Town of Weare

Open Space Plan

View across Melvin Valley

Prepared by the
Southern New Hampshire
Planning Commission

June 2002

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The Board of Selectmen of the Town of Weare would like to thank the following persons for their contribution to the Weare Open Space Planning effort:

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Photos by SNHPC, April 2002

Section I: Town of Weare, New Hampshire
Goals and Key Actions for Weare's Open Space Plan

A Vision for Open Space Planning in Weare, New Hampshire…….

The following Goals and Key Actions are adopted by the Weare Conservation Commission and Weare Planning Board for this Open Space Plan. The Goals in this Plan serve as a *vision* for Open Space Planning in the Town of Weare. These items should be reviewed on an annual basis in order to keep them current with the Town's *vision* for open space planning.

Goals are obtainable when Key Actions are taken to achieve them. Although goals are rarely fully attainable, they provide overall direction for future planning efforts.

Key Actions are more precisely defined statements indicating various courses of action, which are aimed at the achievement of the broader goal. Generally, the Key Actions are capable of both attainment and measurement. They identify the types of things that should be done by local officials, boards, Town departments and the voters to help bring about the changes needed in order to produce the desired results. They are subject to change as the Town's circumstances change, and as experience is gained with their implementation. Active citizen participation is a key element of this Plan, in order to achieve the results of open space conservation and protection.

The following Goals and Key Actions are adopted as an integral part of this Plan:

Goal 1: Ensure that the Citizens of Weare continue to be fully involved in the Open Space Planning activities for the Town.

Key Actions:

- Create a Vision for Open Space that will set the pace for planning in Weare.
- Invite all Weare Citizens to participate in the development and updates of the Open Space Plan.
- Hold special forums, round-table discussions, and other meetings during the upcoming years for plan updates.
- Take suggestions from Citizens related to where they would like to see preservation of open space within the community.

Goal 2: Preserve and protect Weare's natural environment, open spaces and resource base through sound management practices.

Key Actions:

Protection of open space requires continued vigilance for every land use decision made within the Town of Weare. For this reason, the following questions should be asked for each proposed development by Town Boards:

- Does any land within the development proposal lie within an existing or potential interconnected open space area?
- How will this development add to the existing open space network?

- What is the quality of the open space: is it passive or active, accessible to residents, include trails for walking, biking or other recreation?
- How does the development fit with other criteria listed in this Open Space Plan?

Additionally, the Town should begin working with landowners to identify parcels which could be purchased or conserved via conservation easements, before the landowners decide to sell to a private party.

Goal 3: Sustain the scenic vistas, visual character, and the quality of life in Weare.

Key Actions:

Scenic vistas and other visual qualities in Weare serve an important purpose for residents and visitors in the community. The Conservation Commission should establish an ongoing task force to identify important scenic qualities in Weare and rank them according to the need or desirability for preservation. This will have an important impact on the quality of life within the community.

Goal 4: Maintain and expand the landscape-based recreational and educational opportunities.

Key Actions:

Update the 1994 Weare Recreation section in the Master Plan to identify outdoor recreation activity needs, and to set priorities for land acquisition associated with recreational needs. Open space may also be used in educational opportunities for Weare students and residents. Consider the use of existing open space for these educational opportunities.

- Investigate Town-owned parcels to determine their suitability for supporting active and passive recreation. The Town may have additional land that is appropriate for hiking or recreational trails.
- Encourage the development and maintenance of recreational trails within the Town.
- Construct porous parking facilities adjacent to trails and recreation sites, develop trail maps and place information kiosks at trailheads as ways of encouraging people to use and enjoy conservation lands. If people are allowed to access these areas, they will be more likely to appreciate them and support the preservation of additional land.
- Develop a management plan for all municipally owned recreation areas and facilities. This will help ensure that these areas are properly maintained.
- Make municipal recreation areas and facilities handicapped accessible.
- Police and maintain recreation areas. Unless recreation areas are safe and clean, they may not be of much use to a large segment of the population. Efforts should be made to keep these areas in top condition.
- Increase public awareness of recreation areas, facilities and programs through advertisements (local newspapers, newsletters, cable TV) and the development of a brochure. Part of the reason why residents voice an interest in more recreation areas is that they may be unaware of existing opportunities. Through advertising, local residents will be aware of the wealth of opportunities that currently exist.

Goal 5: Protect the Town's historic sites and archeological resources.

Key Actions:

In cooperation with the Weare Historical Society, the Town should incorporate into this Plan a method for inventory of historic sites, and possible methods for conservation and protection, such as an Historic District. The Town should consider updating the Historic Features section of the Weare Master Plan during the next Master Plan Update.

Goal 6: Provide for the preservation of farmland and foster agricultural viability.

Key Actions:
Farmers may be able to increase profits by growing high-margin crops demanded by urban markets, such as organic and hydroponics produce as well as specialty foods such as gourmet mushrooms.

- Local groups of farmers and others interested in agricultural preservation can form organizations to share resources, services, and advice, and to market local crops to larger buyers such as local restaurants, institutions, and independent supermarkets.
- Agri-tourism may be a source of significant income for farmers growing "U-Pick" crops such as apples, blueberries, pumpkins and maple sugar houses, and should be promoted.
- Encourage the development of a Town Farmers Market, at which local growers could sell their produce directly to consumers.
- Community Supported Agriculture (CSA) programs allow persons to buy a share in the crops for a moderate fee, which guarantees them a certain portion of the farm's output during the duration of the growing season. Farmers benefit from this program since they receive money up front which covers the cost of seeds, planting, equipment, and the farmer's salary, while residents benefit by receiving high-quality produce (often organic) at a moderate price. Moreover, the shareholders, rather than just the farmer, absorb the risk of crop failure. This enables farmers to stay in business despite natural disasters and blight. CSA's may be quite successful if nearby urban centers are targeted.

Goal 7: Promote the permanent preservation and appropriate management of woodlands and forests.
Key Actions:
Conduct a Forestland Evaluation and Site Assessment (FLESA) study to establish a community management program for the wooded lands in Weare. Contact the Southern New Hampshire Resource Conservation and Development Council or the UNH Cooperative Extension Service for assistance in undertaking this process. The coordination of this study and the implementation of its recommendations are generally the responsibility of the Conservation Commission.

Goal 8: Promote an awareness of the relationship between the appropriate use of land and structures and the need to preserve open space.
Key Actions:
Education is an extremely important part of any attempt to develop and implement an open space program. For residents to be fully aware of the incremental impacts that structures have on the land, they must be aware of the alternatives that are available which will help conserve open spaces. Establish an education program that will alert residents to this open space plan, and help make them fully aware of the consequences that land development has on their community, and how they can work to preserve open land corridors.

Goal 9: Ensure that new development is accomplished in a manner that is appropriate and consistent with Weare's small Town and rural character.
Key Actions:
Priority Development Areas should be those that show suitability for supporting residential development based on an analysis of slope, soil characteristics, habitat suitability, septic system limitations, risk to water supplies, and proximity to existing infrastructure and residential development.

Goal 10: Protect natural areas such as wetlands, aquifers, aquifer recharge areas, groundwater, wildlife habitat, water quality, ponds, streams, timber resources, mineral deposits and steep slopes.

Key Actions:

The Town of Weare should present a clear vision for the future, limit growth to priority development areas, and minimize the impact of residential development to preserve the natural landscape. Appropriate regulations should be developed to indicate where these areas are located.

- Conduct a wetlands ranking assessment to determine which wetlands are important to preserve.

Goal 11: Encourage protection in open space of 50% of land being developed.

Key Actions:

- Include regulations in appropriate ordinances that encourage 50% of land within a development to be preserved as open space with conservation easements and / or ownership by a homeowner's association, where possible.

Goal 12: Preserved open space within proposed developments shall be designed, whenever possible, to be contiguous and interconnecting with adjacent open space.

Key Actions:

Include regulations in appropriate ordinances that encourage developers to designate open space contiguous to other existing or planned open space areas if the potential for connection exists.

Goal 13: Promote the development of a linked open space network including pedestrian, equestrian, and OHRV trails for use by the community.

Key Actions:

Linked open space is a bonus for a community since it allows habitat and associated wildlife to roam within their typical ranges. Open space which is well isolated from development, when linked to other open space areas, may allow for the reintroduction of wildlife to that area. This will also allow for pedestrian access and the possible formation of greenways, trails and pathways for use by individuals. Incorporate language within appropriate ordinances that specifies what a developer should be encouraged to do when his/her proposed development lies within a potential area that could be linked with other open space areas. This may include dedication of open space that will link these areas together.

Goal 14: Increase the public's awareness of their role in protecting natural resources.

Key Actions:

- Encourage farmers, foresters and golf course owners to apply Best Management Practices near water bodies. Examples of Best Management Practices include spreading manure during appropriate times of the year, using Integrated Pest Management techniques, and avoiding machinery that excessively compacts soils and thereby increases runoff into surface waters. The Health Inspector, Selectmen, or Conservation Commission could send out brochures and organize a workshop that describes what Best Management Practices are and why they should be used.
- Educate landowners, including farmers, about various land protection options, as well as the financial and personal benefits that can be enjoyed from such protection. Conservation agencies that have knowledgeable staff available to educate the public about these issues can be featured in a seminar. Distribution of informational brochures is an appropriate first step.

- Educate residents to encourage the preservation of public access and natural buffers for rivers and wetlands whenever possible.
- Educate residents about plants that are most invasive and encourage the use of native shrubs and flowers in gardens. Although exotic plants like purple loosestrife look beautiful, they can wreak havoc on the native environment since they have no native predators. Once these invasive plants become firmly entrenched in a wetland, meadow or forest, they can be very expensive and difficult to eradicate. Joan Iverson Nassauer, Brady Halverson and Steve Ross wrote an excellent guide entitled *Bringing Garden Amenities into Your Neighborhood: Infrastructure for Ecological Quality* that illustrates how typical neighborhood gardens can use native plants to enhance the beauty of the area and manage stormwater. A great source of information about invasive plants is the New England Wild Flower Society.

  The Town could convert trails to interpretive nature trails that display informative signs about the natural history, plants and animals native to the area.

Goal 15: Encourage the cooperation and coordination of groups having interests and concerns associated with outdoor recreation.

Key Actions:

- The Town should encourage sportsman's clubs and other private recreational organizations to place conservation restrictions on their properties so that these lands can be retained in their current use in perpetuity. The Conservation Commission could perhaps coordinate this activity.
- The Town should continue to recruit volunteers, such as the Boy Scouts, to clear and maintain existing trails on an annual basis, preferably in the spring. These volunteers also enhance the trail network by constructing new trails and extending existing ones.
- Encourage elementary and middle schools and the regional high school to incorporate an adopt-a-pond or stream program as part of the science curriculum. This would broaden public awareness of water quality issues.

Goal 16: Acquire, develop and maintain additional land for the open space and active recreational needs of Weare's population.

Key Actions:

- To fulfill its Open Space Plan goals and objectives, the Town could employ potential implementation methods and should submit proposals for grants through state and federal grant programs.

- The Town should review municipal land holdings and place conservation restrictions on those properties that are of scenic, historic, cultural, ecological, or recreational significance and that are seen as a priority. This will ensure that these properties are protected in perpetuity.

- A Capital Improvement Program should include provisions for the acquisition of priority open land and important natural resources. The penalty payments for taking land out of current use should be used to help fund this activity.

Goal 17: Work with area land trusts and non-profit conservation organizations such as the Society for Protection of New Hampshire Forests, the Audubon Society of New Hampshire, the Trust for Public Land, and other agencies whenever possible when purchasing and / or protecting open space land in Weare.

Welcome to Weare, New Hampshire

Section II: Introduction

In his book titled *Conservation Design for Subdivisions* Mr. Randall Arendt states "*open space that is conserved…can be required to be laid out so that it will ultimately coalesce to create an interconnected network of protected lands*." And that is open space planning in a nutshell. It is the ability to preserve open space in a manner that connects lands to allow them to support habitat and provide scenic views, a passive green space that remains undisturbed by man except for his enjoyment of the resource.

The 1994 *Weare Master Plan*, page 71 in the Natural Features Section, Open Space, states in part:

> *"Despite Weare's recent rapid population growth and land development, much of the Town's landscape remains rural or in a natural wooded state. As competition for land in Weare increases, the Town's remaining undeveloped areas will become targets of development pressure. It is essential that the Town has a method of identifying and protecting rural and natural areas so that they will not be lost to future development……An open space plan could explore methods and establish policies for open space protection. It could also be the foundation for trails and greenways planning and for establishing farmland protection policies."*

Open Space Planning is an important element of the Town's ability to think about how they want to grow, and how much open space they wish to preserve in the future. From 1980 to 2000, the Town of Weare grew from a population of 3,232 to 7,776, an increase of *over* 140%.[1] Weare is the largest in size of any southern New Hampshire community, and this growth is projected to continue into the future. This increase in growth has resulted in a loss of open space which may never be returned to the community.

Open space within a community serves a number of important functions. It not only preserves lands for natural resources and habitat, but it also makes lands available for people to enjoy. Natural vistas and scenic beauty are but two of the many important facets of a community that attract not only visitors but also

[1] U.S. Bureau of the Census, 1980 and 2000.

permanent residents to an area. It is within this context that the Town must decide the value and importance of open space to its residents and visitors alike.

This document serves as a new section for the Weare Master Plan, and integrates the information and recommendations contained in previous plans with the most recent open space needs that have been identified in Weare.

Goals and Key Actions

Probably one of the most important aspects of an open space plan for any community is the goals that are established by the Town, which will lead the Town's efforts to preserve open space into the future. For this reason, Goals and Key Actions have been placed at the beginning of this document so readers will get a better feeling for the direction the Town has chosen for this effort. These Goals and Key Actions will be important first steps toward directing growth while attempting to preserve Weare's future and quality of life during this millennium.

Previous Studies, Maps and Grants Related to Open Space Planning in Weare

For many years, the citizens of the Town of Weare have been concerned about future growth and development of the Town. Only during the past twenty years has the Town grown tremendously, and consideration of how the Town manages open space becomes crucial. This Plan is but one in a series of studies recently undertaken that will lead to a better appreciation of the preservation and conservation of land within this community.

The following grants, plans and maps related to open space planning have been undertaken in Weare during the past twenty years:

Existing Grants:

Melvin Valley, Weare (Melvin Valley web site)
The Town of Weare and its co-applicant, the Society for the Protection of New Hampshire Forests applied to acquire two contiguous tracts of land in Melvin Valley totaling 1,450-acres. The property is the largest remaining undeveloped land area in Town. It provides scenic views and protects a portion of a watershed used for public drinking water. The parcels also provide exceptional habitat and travel corridors for wildlife and are used widely for recreation. LCHIP Grant Awarded: $250,000.00

Existing Plans:

- Natural and Cultural Resources Inventory, New Hampshire's Regional Environmental Planning Program, Southern New Hampshire Planning Commission, 1998.
- Master Plan for the Town of Weare, May 1994.
- Water Resource Management and Protection Plan, Town of Weare, 1990.
- Water Resource Inventory, Town of Weare, 1994.
- Piscataquog River Management Plan, September 1999.

Existing Maps:

- Open Space and Recreation, April 1998
- Natural and Cultural Resources Identified for Protection, April 1998
- Zoning Map, updated April 2001
- Location of Fire Fighting Cistern and Pond, September 1999
- Historic Sites, May 1997

- Composite Tax Map (can be layered over other maps to show tax parcels)
- Development Capability (Master Plan) with problem areas of Steep Slopes, Special Flood Hazard Areas, and Wetlands (very poorly drained and poorly drained)
- Generalized Aquifer Boundaries (Master Plan)
- Special Flood Hazard Areas (Master Plan)
- Generalized Existing and Future Land Use (Master Plan)
- Watershed Boundaries (Water Plan)
- Perennial Stream Systems (Water Plan)
- Generalized Wetland Soils (Water Plan)
- Generalized Bedrock Geology (Water Plan)
- Lakes and Ponds in Weare (Water Plan)

It is the intent of this Open Space Plan to build on these past experiences in order to better manage future open space for the Town of Weare.

Regional Environmental Planning Program

During 1998, the Town of Weare, along with New Hampshire's Division of Environmental Services under the Regional Environmental Planning Program (REPP) produced a map titled *Natural and Cultural Resources Identified for Protection*, along with a booklet titled *Natural and Cultural Resources Inventory*. Resources identified for preservation included ecological resources, historic and cultural resources, land, forestry and agricultural resources, and water resources. The areas shown on the map were not prioritized at the time of map development. The map also indicates Protected Lands and Undeveloped Town Owned Lands.

The following are the nine areas shown on this map for protection:

1. Lake Horace Marsh
2. Tobey Hill
3. Bartlett Brook / Ferrin Pond
4. The Green Farm
5. Melvin Valley
6. Perkins Pond Ecosystem
7. Felch Farm
8. Clinton Grove
9. Sugar Hill South

The general character of the natural resource protection areas was defined as predominantly plant and wildlife habitat, wetland areas and prime agricultural areas. The general description of the cultural resource protection areas was predominantly historic farm architecture and settings in rural areas of the community, including the site of an early Quaker village.

The booklet also states that *"The current data and community contacts can be used as the beginning inventory/framework for an effort in each community to establish priorities for natural and cultural resource protection. This initially abbreviated process for identifying land preservation parcels can lead to a comprehensive recreation and open space plan for each community. The complete plan can then become an element of the community Master Plan."*

The 1998 REPP planning effort should be considered as a first step toward development of an open space plan for the Town. Priorities and opportunities may have changed since the REPP plan was first developed, but it is a

good beginning point for further discussion regarding areas for conservation and preservation.

Weare's Regional Setting

The Town of Weare is a member of the Southern New Hampshire Planning Commission (SNHPC), which consists of thirteen communities. Located in Hillsborough County, this 490-square-mile area located in Hillsborough, Rockingham and Merrimack counties lies in a rapidly growing area of southern New Hampshire.

According to the U.S. Census, the SNHPC region has experienced a steady increase in population during the last several decades, growing from 121,066 in 1960 to 248,838 in the year 2000. Between 1990 and 2000, the region's total population increased by almost 15%, compared to statewide population growth of 11.4%. As of the year 2000, the region is home to approximately one-fifth of New Hampshire's population. By the year 2015, the region's total population could exceed more than 290,000 persons if current growth trends continue.

Residential and commercial growth in the region continues to be influenced by the accessibility to major transportation routes, proximity to the Boston metropolitan area, the state's favorable tax structure, the availability of developable land, and other less tangible factors which comprise the region's unique quality of life. It is likely that these factors will continue to have an effect on population growth.

The Town of Weare, similar to other member communities of the Southern New Hampshire Planning Commission, has experienced significant population growth. According to the U.S. Census, Weare's year 2000 population of 7,776 represents a growth of about 25 percent since 1990. This growth has already resulted in the loss of open space, and without action could continue to irreversibly alter the landscape and character of the community. Therefore, community growth and the resultant loss of open space need to be managed and planned for appropriately in order to protect the features that many find attractive about Weare: rural character, clean water, abundant wildlife, recreational opportunities and a friendly relaxed lifestyle.

A Brief History of Weare

According to the Weare Master Plan, adopted in 1994, the Town has had five names during the course of its history. In 1735, Col. Robert Hale petitioned the Providence of Massachusetts for a Township six miles square to be given to soldiers under the command of Captain William Raymond. It was referred to as Beverly-Canada. After the boundary dispute was settled between Massachusetts and New Hampshire, the Township was called Halestown, and became a part of the Providence of New Hampshire.

In 1740, the name then changed to Robiestown. During 1748, it was called Wearestown. In 1764, King George III named it Weare, in honor of the first governor of the State of New Hampshire, Meschech Weare.

Historically interesting events in Weare include: the Pine Tree Riot of 1772; the Weare Woolen Mills were started in 1831; the Clinton Grove Academy began during 1834; the Stone Memorial Building was erected during 1896 (now used as a museum by the Weare Historical Society); in 1909 the Piscataquog River was dammed to form a reservoir for hydroelectric power; and in 1919, public high school classes were first offered in the upper level of the Weare Town Hall.

During 1938, a flood and hurricane caused great damage in Weare. This led to the construction of the Hopkinton-Everett Flood Control Project in the late 1950's and early 1960's.

Prior to 1938, Weare's industries were clustered along the Piscataquog River at Chase Village, North Weare, Rockland, East Weare and Oil

Mill (now Riverdale). Several factors which contributed to the decline of the industries along the river included fires and floods, the growth of large woolen and cotton mills and shoe factories in Manchester and points south, the importing of grain from the west as farming declined in the east, and the use of plastics instead of wooden products.

During the first half of this century, dairy, poultry, and fruit farming thrived. In the last forty years, the poultry and fruit farms have all but disappeared, and the dairy farms have been reduced to one large and a few small farms. Summer boarders have been replaced with occupants of summer homes, cottages and campgrounds.

In more recent years, regional growth pressures facing all of southern New Hampshire have brought major changes, which have put a strain on Weare's natural and cultural resource base. Suburbanization is now a threat to the Town's historic characteristics, landscape and scenic values. In order to preserve the historic attributes that reflect Weare's previous growth, steps must be taken to ensure that new growth will be sensitive to the Town's cultural as well as natural environments.

Recognizing these factors, the Southern New Hampshire Planning Commission worked with the Town of Weare Planning Board and Conservation Commission to develop this Open Space Plan. The project was conducted under the Scope of Services requirements of the Regional Environmental Planning Program (REPP) and was funded by the State of New Hampshire's Department of Environmental Services (DES). This Open Space Plan identifies existing open space and agricultural lands.

Unfragmented forest areas are identified and their connectivity to a regional system is analyzed. The Plan contains Geographic Information System (GIS) map layers, including water resources, wetlands, valuable agricultural soils, forested areas, known wildlife habitats, recreational opportunities and resources, and historic sites. Together, these maps comprise an inventory of the Town's open space resources.

Looking west across Melvin Valley

"It is becoming increasingly clear that government regulation of private property is a questionable way to supply large numbers of people with large quantities of attractive, useable open space."

Alexander Garvin

Statement of Purpose:

Open space planning is a critical issue in Weare. Because of the wide array of natural resources, opportunities for recreation, low cost of living, lack of crime and rural community character, Weare is an attractive place to live and continues to grow rapidly. Growth pressure such as this results in a loss of open space that can destroy the natural environment and the Town's rural community character. The open space needs of the community should be considered in connection with every development plan.

Land Conservation and Protection Guidelines

For the purposes of open space planning, it is important to be aware of the degree of protection that is available for each parcel. This helps to identify those areas where preservation or acquisition efforts should be targeted. The following categories are a useful way to look at the degree of protection.

- ***Highly Protected Conservation and Recreation Land***. This includes all land that is held in fee simple ownership by a municipal, state, or federal agency expressly for preservation or recreation purposes or by a non-profit conservation agency. These lands are owned and managed specifically for the purpose of conservation and/or recreation and may *not* be developed (as opposed to a municipality which owns land for a future school site, for example).

- ***Restricted Open Land***. This category consists primarily of privately-owned land from which development is restricted through a conservation easement or restriction in perpetuity or an agricultural preservation restriction. A conservation restriction placed on a property allows for the development rights to be held by the state, a municipality or a non-profit agency. It ensures that the land will remain in its natural, open state.

- ***Moderately Restricted Open Land***. This includes private land that is taxed as forest, farm, or recreation land under the "Current Use" category for tax assessment or land on which development is restricted through a short term (5-30 years) conservation restriction. These tax programs are often used to lower taxes until such time as development or sale is economically feasible or desirable and are seldom used on a long-term basis. The purpose of the Current Use assessment program is to encourage the preservation of open space. A penalty of 10% of market value is paid to the Town on lands that are being converted from open space to commercial or residential use. However, in spite of the intent of this program and the financial penalty imposed on lands that are removed from this tax classification, the lands are quite vulnerable to development.

- ***Unprotected Land.*** This includes all vacant land that is zoned for residential, commercial or industrial development that has not yet been developed. In addition, this category includes open land associated with major institutions (public or private) where the open space use is secondary to a non-conservation use. Examples include schools, cemeteries, and hospitals. It also includes commercial recreational facilities such as golf courses. These lands are often perceived as being a secure part of the open space network of a community because of the length of time they have existed as such but most often they are not protected from potential development.

Making Good Use of the Natural and Cultural Resource Inventory Below: Initiating Your Land Protection Efforts

Regulatory controls alone cannot be expected to protect the natural resources in Weare. A number of communities, such as Deering, actively solicit gifts of easements from private land owners. Emphasize the opportunities that exist for voluntary land protection. Start an education and outreach program to let people know that land conservation is a worthwhile effort for the community. *Voluntary* land protection is one of the most effective ways to protect natural resources, resulting in more permanent protection than regulatory techniques.

The following section is related to the mapping inventory of natural and cultural resources for Weare. But it is important to remember that *planning* is an ongoing process. When new data or policies related to open space protection become available, they should be incorporated into this Plan. It is only with this continued effort that Weare will grow in a manner that is both acceptable and desirable to the community.

Natural and Cultural Resource Inventory

The natural characteristics of the land influence and often dictate its use. Soil type, slope conditions, topography, and the availability of water resources may either encourage or limit development in a particular area. Thus, a Town's natural resource base provides a framework within which land use decisions are reached and implemented. An inventory of Weare's natural and cultural features and resources, and an analysis of their characteristics and capabilities in terms of development potential, can provide a "blueprint" from which it is possible to identify constraints and opportunities for future development, as well as prospective sites for open space conservation and preservation.

A very large portion of Weare has a significant amount of undeveloped land. The Town has the opportunity to link land use decisions to a consideration of the types of development opportunities and limits that the natural features of the land impose. This is particularly true since many of the land's natural features shape Weare's character and quality of life.

The following section is a narrative discussion that presents the characteristics of Weare's natural and cultural resources, describes the general locations of open space, and examines the development capabilities as well as preservation possibilities of particular land features through a series of maps (see Appendix A, "Weare Community Maps") that were drafted for the Town as a part of this project. The pattern of these areas, particularly where several resource characteristics overlap (multiple values), is critical to the Weare Open Space Plan. Areas having a concentration of open space values represent resource lands that should remain in their natural condition to preserve water quality, wildlife habitat, recreation opportunities, sustainable timber resources, historic settings and visual quality in the Town. Protecting these resource areas will contribute to the quality of life in Weare.

Summary of Weare Natural Resource and Cultural Lands Inventory

The following summary describes the general nature and locations of the open space resources in Weare. The pattern of these areas, particularly where several resource characteristics overlap, forms the basis of the Weare Open Space Plan. Areas having a concentration of open space values represent resource lands that should remain in their natural condition to preserve water quality, wildlife habitat, recreation opportunities, sustainable timber resources, historic settings and the visual quality in the Town. The Town of Weare consists of approximately 38,592 acres, or 60.3 square miles.

Hydric Soils and Wetlands. Wetlands and hydric soils are found throughout the Town of Weare. The 1990 *Water Resource Management and Protection Plan* for Weare delineates poorly drained, very poorly drained, and muck and peat soils, which generally are described as wetland areas. On a Town-wide basis, poorly-drained soils comprise approximately 2,800 acres, and very poorly drained soils, which includes muck and peat soils, comprise about 1,900 acres. Areas of large concentrations of wetlands are found in the Mount William, Peaslee Meadow Brook, Meadow Brook, Daniels Lake, and Bog Brook watershed areas. There is a large concentration of wetland area in close proximity to the Hopkinton-Everett reservoir. Many small wetland areas are distributed throughout the Town.

Aquifers. Several extensive potential high-yield aquifers have been identified within the Town by the U.S. Geological Survey. The largest of these lies within the Hopkinton-Everett flood control project area. The others are: in the lower reach of the Piscataquog River, extending southerly from the area of Sargent Station Road into the Town of New Boston; in the Daniels Lake area, from north of Gould Road southerly into New Boston; and in North Weare in the area between Woodbury Road and Rockland Road. Several relatively large potential medium-yield aquifers have also been identified in proximity to these locations. These aquifer areas and their immediate contributing watersheds are important water resources worthy of protection.

Floodplains. Floodplains are associated with the lowland streams, ponds and wetlands in Weare's major watersheds. Floodplains or flood hazard areas are adjacent to rivers and tributaries, and can provide one of the best habitats for a number of species within an area. They can also provide a continuous and unbroken habitat which allows species to travel throughout their range. Typically, floodplain areas will contain a significant amount of vegetative cover, including trees, brush, grasses and shrubs. These areas provide both food and water for the species that are found there.

Weare contains approximately 3,500 acres of floodplains. Such areas have been identified throughout the Town in proximity to brooks, rivers and wetlands. The largest of the special flood hazard areas have been identified within the Choate Brook, Barnard Hill, and Meadowbrook watersheds.

The floodplains should remain in their natural condition to accommodate runoff water during snowmelt and rainstorm periods, and to provide wildlife habitat.

Flood insurance regulations, which are administered by the Town as a requirement for flood insurance availability, mandate that the central channel of the floodplain, called the floodway, be kept undeveloped to allow the flow of flood waters without damage to man-made structures.

Steep Slopes. Much of Weare is gently rolling land forming gradual ridges and wetland valleys. Limited areas having steep slopes, greater than 15%, are generally located in association with the hilly topography in the Town. The steeper topography provides a visual background to views of the farm and village landscapes. If cleared of vegetation, the steep slopes would be prone to erosion, would cause more rapid and deeper flooding of the runoff streams and would reduce the appeal of views throughout the community. Thus, the slope of the land has important implications for future land use choices. If development of steep slope areas is carried out without designing and installing adequate waste disposal systems and implementing erosion control measures, problems will likely result. Steep slopes should be protected from development and should be managed for wildlife habitat and sustainable timber production.

Forested Lands. Existing developed land in Weare generally parallels the road system and has not expanded into the interior natural open space areas. The relatively small area of land dedicated to development results in a very large expanse of forest landscape. Forested areas surround wetlands and ponds and border the watercourse network throughout the Town.

High Quality Agricultural Lands. Normally floodplains contain the most productive soils in a community. However, since floodplains are limited in area and closely associated with hydric soils adjacent to wetlands, ponds and stream areas, productive agricultural lands in Weare are located near the older farmsteads where field and crop management have been practiced for many years. Existing productive agricultural lands are limited in Weare and should be protected because of their special value and rarity.

Historic and Cultural Resources. In order to preserve the settings for historic and cultural resources, the fields, yards and woodlands surrounding historic sites become important elements in the open space protection plan for Weare. Preserving the landscape context of these historic features enhances their visual value and their contribution toward creating a "sense of place" for Weare.

Development and growth focus areas. Residential growth and development in Weare is generally found along the road system, and for the purpose of open space planning it is encouraged and anticipated that future development will continue to be focused in these areas. Weare can preserve its rural character and high visual quality by discouraging strip development and focusing new building in and adjacent to village centers and in the existing "commercial" development areas. If the community favors this development pattern, Weare's future master plan update for land use should show denser building districts close to these areas. The long range growth plan for Weare would depict higher density growth areas surrounded by low density open space lands that could accommodate timber management, agriculture, low density residential uses and protected lands containing the natural and cultural resources previously mentioned. This could be accomplished during the update of Weare's 1994 *Master Plan*. An update of the Master Plan is recommended to occur every 5-10 years.

Overlay patterns indicating multiple open space resource values. When the open space resources are overlaid, a pattern of priority protection land is revealed. In Weare a great deal of undeveloped land should be placed in a low density development or preservation category. Open space resources overlay each other in multiple layers and are distributed across the whole community with a higher concentration in the lowland and aquifer sections of the Town. Priority protection efforts should focus on these concentrated open space value areas.

The Open Space Concept for Weare, New Hampshire

An opportunity exists for Weare to remain a visually rural community with village center(s) surrounded by open space, including timber management, agriculture, habitat areas and annually cut fields for hay production and visual appeal.

Since Weare supports the goal of preserving the rural character and current visual quality of the Town's landscape, a concept plan describing the desired open space pattern could consist of:

1. **Village Centers.** A community priority to protect village centers as clustered buildings with an open space setting or buffer around the structure groups. Preserve the individuality of the villages and their settings and focus on maintaining a recognizable edge between the villages and open lands.

2. **Prevent Strip Development.** Prevention of strip development *along roadways* is important since this would deteriorate the scenic appeal of Weare's roads and would reduce the quality settings of the village building clusters. Instead, plans should identify and encourage the development of off-road retail clusters with adequate parking and attractive architecture and landscaping.

3. **Preservation of Land.** Preservation of the large open space blocks of land that currently contain wetlands, floodplains, steep slopes, woodlands, wildlife habitat, agricultural fields, historic farmsteads and early settlement mill works.

4. **Future Growth Patterns.** Growth would be allowed that blends with the residential, rural character of a country community. Some selected uses could be carefully placed to minimize visual and functional conflicts with the character and lifestyle of a small community. Added structures in and near village centers would strengthen the pleasing contrast between open space and building clusters. Sprawl development patterns should be avoided. Contemporary development should be hidden from view in rural areas, and fields should be preserved as open land.

5. **Ridgeline Development.** Development along ridge lines should not result in disturbance of trees and vegetation except to the extent necessary. Visible development should be limited to that which is acceptable by the Town.

Horace Lake, a beautiful spot to relax and enjoy the scenery

Section III: Detailed Plan Analysis

1. Location of Basic Features

The *Weare Base Map* indicates the location of basic features within the Town of Weare by providing a general overview of important items such as roads, trails, utilities, and tax parcels, as well as natural features such as watershed boundaries, water bodies and watercourses.

There are several hills and two mountains in Weare that range in size from approximately 900 feet to about 1200 feet. The mountains include Mount Dearborn, at 1,210 feet, and Mount William, at 1,158 feet. Smaller hills include Toby Hill at 976 feet, and Barnard Hill at 937 feet.

2. Soils: Lands of Special Importance

Soil is the surface layer of the earth, generally extending to a depth of two to four feet, created by the interaction of geology, climate, plants, animals, topography and time. The "Soil Survey" Map, prepared by the U.S. Department of Agriculture, Soil Conservation Service (SCS), now known as the Natural Resources and Conservation Service (NRCS), and published in 1994, differentiates soil by noting characteristics of slope and stoniness. Soils are identified by factors of structure, texture, compaction, moisture content, pH, permeability, erosion potential, fertility and other characteristics. Such descriptions enable soils scientists, engineers, and planners to evaluate this variable "surface layer" for its usefulness for a range of human activities.

Prime Farmland and Farmland of Statewide Importance

Prime farmland is defined as *"Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses."*

The Map titled *Lands of Special Importance* indicates the general location of both **prime farmlands** and **farmlands of statewide importance.** NRCS indicates that Weare currently has approximately 819 acres of prime farmland, and 2,500 acres of farmlands of statewide importance. The farmlands of statewide importance are capable of high agricultural yields, but due to soils and other factors are not considered as valuable as prime farmland. Farmlands of statewide importance contain soils identified as being important to agriculture in the state, and are capable of producing fair-to-good crop yields when managed properly.

However, not all land deemed suitable for agriculture is currently in agricultural use. Some of this land has reverted to woodland and has been subdivided and developed. As prime farmlands tend to be level and well drained, they are often considered prime developable land.

Farmlands may include pastures, sheep and horse farms, and "pick your own" operations as well as dairy farms. The protection of agricultural land represents a substantial challenge—a balance must be achieved between the rights of landowners, the need for development, and the preference among many residents for a rural lifestyle. Please refer to the Goals and Key Actions at the beginning of this document for agricultural land protection techniques which could be implemented at the local level.

Prime farm soils are those soils that have the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods. Normally, floodplains contain the most productive soils in a community. However, since floodplains are limited in area and closely associated with hydric soils adjacent to wetlands, ponds and stream areas, productive agricultural lands in Weare are located near the older farmsteads where field and crop management have been practiced for many years.

When overlaid with the generalized land use layer, with a few exceptions it appears that both prime farm soils and farmlands of statewide importance have managed to remain undeveloped in the Town of Weare. Existing productive agricultural lands are limited in Weare and should be protected because of their special value and rarity.

Weare has addressed farmland conservation by establishing a Rural Conservation (RC) District overlay in its zoning ordinance. The district protects and enhances the rural character and natural resources of the Town. It is also intended to reduce the density of development on prime and significant soils. While the RC District may limit future density, it does not necessarily guarantee that agricultural uses will be maintained into the future.

As a farmland protection policy, the Town could consider designating prime agricultural areas. Farmers within such areas might be encouraged to participate in the state's Purchase of Development Rights (PDR) program, which allows farmers to agree to keep their land in agricultural use in exchange for a payment from the state. Conservation easements and deed restrictions for farmland protection might also be considered, along with a Transfer of Development Rights (TDR) program.

Both Lee and Dover New Hampshire have TDR in their zoning ordinances. Appendix H contains useful information regarding TDR which could be helpful for the Town.

3. General Areas of Potential Development Constraints

Generally, these are areas that would not only be very expensive to develop, but they would also potentially damage the environment and landscape of the Town. Areas which can be classified as development constraints include sites with features presenting natural constraints to development and, as such, require extensive planning, engineering and special construction techniques before they can be safely built upon. Steep slopes, floodplains, wetlands, hydric soils, aquifers, and water bodies are displayed on this map.

a. Steep Slopes

Much of Weare is gently rolling land forming gradual ridges and lower wetland valleys. Many areas having steep slopes, greater than 15%, are generally located in association with the hilly topography in the Town, and can be seen on the *Wetlands Composite Map*. The steeper topography provides a visual background to views of the farm and village landscapes.

If cleared of vegetation, the steep slopes would be prone to erosion, would cause more rapid and deeper flooding of the runoff streams and would reduce the appeal of views throughout the community. Thus, the slope of the land has important implications for future land use choices. If development of steep slope areas is carried out without designing and installing adequate waste disposal systems and implementing erosion control measures, problems will likely result.

Areas with slopes in excess of 25% should be carefully monitored in order to prevent uses which would result in negative environmental impacts. Steep slopes should be protected from development and should be managed for wildlife habitat and sustainable timber production.

The flood hazard areas shown on the *Wetlands Composite Map* are based on the U.S. Department of Housing and Urban Development (HUD) maps which incorporate topographic, hydrologic, hydraulic and climate data as well as the effects of structures (roads and bridges) on water flow, and historical flooding rather than soils information alone. The remainder of the development constraints follow this section.

4. Hydrological Features

Sites that protect surface and sub-surface water resources are an important aspect of any Open Space Plan. It is important to protect surface water for public access as well as ground water quality. The *Drinking Water Resources and Potential Contamination Sources Map* displays layers containing the locations of watershed boundaries, floodplains, wetlands, and aquifers, hydric soils , and. water bodies.

a. Watershed Boundaries

The Town lies within the North Branch of the Lower Piscataquog River Basin. Watersheds are natural drainage basins which allow water to flow to the lowest point within the basin.

Municipalities usually share a number of watersheds, in fact of the 16 watersheds located in Town, all but 2 have areas outside of Weare.

Excluding the Piscataquog River and its tributaries, 32 ponds and lakes of various sizes ranging from approximately 2 acres to 317 acres, some named and some unnamed, are located within Weare.

Streams and tributaries are generally at the lowest point of a watershed. A certain percent of the precipitation that falls in the watershed will flow into the streams and then travel downstream to its major outlet, which in many cases is the ocean. Characteristics of a watershed generally include soil, vegetation and habitat, and the-man made environment of roads, utilities and structures.

Much of the following information in this section related to the natural environment comes from the watershed boundaries within Town. Further information regarding the watersheds within Weare can be found in the *Water Resource Management and Protection Plan* produced by the Town of Weare.

b. Flood Plains

Floodplains or flood hazard areas are adjacent to rivers and tributaries, and can provide one of the best habitats for a number of species within an area. They can also provide a continuous and unbroken habitat which allows species to travel throughout their range. Typically, floodplain areas will contain a significant amount of vegetative cover, including trees, brush, grasses and shrubs. These areas provide both food and water for the species that are found here. The FEMA floodplains can be seen on the ***Base Map.***

Weare contains approximately 3,500 acres of floodplains. Such areas have been identified throughout the Town in proximity to brooks, rivers and wetlands. The largest of the special flood hazard areas have been identified within the Choate Brook, Barnard Hill, and Meadowbrook watersheds.

The flood study conducted by FEMA during 1992 concentrated on the shorelines of Daniels Lake, Everett Lake (also known as Hopkinton Everett Reservoir), Weare Reservoir (Lake Horace), and the Piscataquog River. The Piscataquog River and the Everett Lake Flood Control system were found to be the most significant drainage features in the Town.

The Piscataquog River (North Branch) originates at the outlet of Deering Reservoir in the Town of Deering. The river follows a sinuous path for a distance of about 8 miles to Weare Reservoir, which has a surface area of about 274 acres. The dam at the outlet of the reservoir is controlled by the State of New Hampshire. The river flows easterly from the reservoir for about 5.3 miles to the Everett Lake flood control complex. The river then flows in a southerly direction from Everett Lake for a distance of about 5.4 miles to the Weare-New Boston corporate limits.

Since these areas are frequently flooded, an attempt should be made to discourage persons from building in these floodplain areas. The floodplains should remain in their natural condition to accommodate runoff water during snowmelt and rainstorm periods, and to provide wildlife habitat. Any construction within these areas may result in higher water levels during flood events.

c. Wetlands

Wetlands can be defined using several different characteristics. The State of New Hampshire Wetlands Board defines wetlands as: "*…those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil condition."* This type of vegetation is termed "hydrophytic" vegetation. Due to their saturated state, wetland soils are often termed either "*very poorly drained*" or "*poorly drained*" soils. Many communities in New Hampshire base their wetland definitions on soil drainage classification alone, since in disturbed areas hydrophytic vegetation may have been removed or destroyed.

Primary wetlands are those areas designated as "prime wetlands" in accordance with RSA 483-A:7 (State Wetland Law). When a wetland falls into several classifications, the regulations pertinent to the most restrictive apply. Critical wetlands include waterbodies, watercourses, and their associated wetlands.

Wetlands are known to be an extremely valuable resource. Wetlands act principally as flood control areas where water is stored during periods of high runoff. They slowly release excess water downstream, which prevents hazardous flooding. In addition, wetlands also may be:

- used for flooding peak reductions;
- settling basins for sediment generated by erosion;
- pollution filters (wetland vegetation utilizes some pollutants as nutrients);
- areas of water supplies, by recharging groundwater and streams;
- wildlife habitats, providing food, cover, and nesting and breeding sites;
- educational and recreational resources; and
- groundwater recharge zones.

Wetlands are usually found in close proximity to rivers, streams, and ponds or in isolated upland depressions. Wetlands are generally ranked as having the lowest development potential of any land type. Their disturbance quite often disrupts the other valuable roles they serve. Instead, wetlands should be designated for use by compatible activities such as those that do not require the construction of buildings or structures, or those that will not necessitate alteration of the natural surface configuration by the addition of fill or by dredging.

National Wetlands Inventory (NWI) wetland areas have been identified on the *Wetlands Composite Map*. Ideally, wetlands and floodplains should remain in their natural state for many reasons, including water resources protection, habitat preservation and flood damage reduction.

The New Hampshire Wetlands Bureau administers regulations that require permits for wetland alterations, which may discourage development. The Federal Emergency Management Agency (FEMA) requires local regulations that respect the flooding cycles of all water bodies. It is in the Town's interest to consider these factors when planning future development and protection of open space preservation areas.

Wetlands and hydric soils are found in valley areas throughout the Town of Weare. The 1990 *Water Resource Management and Protection Plan* for Weare delineates poorly drained, very poorly drained, and muck and peat soils, which generally are described as wetland areas. On a Town-wide basis, poorly-drained soils comprise approximately 2,800 acres, and very poorly drained soils, which

includes muck and peat soils, comprise about 1,900 acres. Areas of large concentrations of wetlands are found in the Mount William, Peaslee Meadow Brook, Meadow Brook, Daniels Lake, and Bog Brook watershed areas. The *Wetlands Composite Map* indicates a large concentration of wetland area in close proximity to the Hopkinton-Everett reservoir.

Regulations related to wetlands found within the Town's zoning, site plan and subdivision ordinances should be reviewed regularly in order to assure that these areas are adequately protected from unnecessary development, except for those uses which do not contribute to the degradation of a wetland area.

d. Aquifers

An aquifer consists of underground soil or rock which groundwater is easily able to move through. Aquifers typically consist of gravel, sand, sandstone or fractured rock.

Water from fractured bedrock provides 25% of New Hampshire's drinking water and 85% of the water for private domestic wells. A majority of residents in the Town of Weare depend upon aquifers to supply them with drinking water. During years of drought, some wells dry up and homeowners are forced to drill new wells for domestic water. It is important to protect groundwater within existing or potential public drinking water supply aquifers. Aquifers, like wetlands, serve as a place of storage for water.

Development of land that overlies aquifers can have negative, often irreversible impacts. Faulty septic systems or leaking underground storage tanks can contaminate groundwater. Activities such as sand and gravel excavation remove the overburden, which can filter out many potential pollutants.

Because of the role of aquifers in contributing abundant clean water, as well as their interconnections with wetlands and rivers, land planning in and around these sites should favor low-impact, low-intensity uses which do not have a high degree of probability for groundwater contamination.

The *Drinking Water Resources and Potential Contamination Sources Map* indicates those areas that could be highly susceptible to groundwater contamination. This Map also shows the location of aquifers within the Town.

Several extensive potential high-yield aquifers have been identified within the Town by the US Geological Survey. The largest of these lies within the Hopkinton-Everett flood control project area. The others are: in the lower reach of the Piscataquog River, extending southerly from the area of Sargent Station Road into the Town of New Boston; in the Daniels Lake area, from north of Gould Road southerly into New Boston; and in North Weare in the area between Woodbury Road and Rockland Road. Several relatively large potential medium-yield aquifers have also been identified in proximity to these locations.

There seems to be little if any detailed hydrologic data available to provide an accurate indication of the potential for bedrock to serve as a major source of water supply. However, the results of short-term well reports indicates that the extent of fracturing, which creates repositories for groundwater in Weare's bedrock, appears to be sufficient to produce reasonably dependable domestic supplies, and possibly adequate supplies for relatively small community water systems.

On the basis of preliminary determinations made by the US Geological Survey, the potential high and medium yield aquifers must be considered to be potential sources capable of meeting future requirements for municipal water supplies. It appears that this would be particularly true of the potential high yield aquifers located in northeastern, north-central, and southeastern portions of Weare.

Serious consideration should be given to means of protecting the identified aquifers for possible future use. Faulty septic systems above aquifers can cause widespread groundwater contamination. Excessive paving and other forms of land covering could inhibit the replenishment of ground water supplies. Automotive service stations are another possible pollution threat due to leaking underground storage tanks. Any industrial operation producing hazardous by-products has the potential to damage water quality.

The location of aquifers should be a prime consideration of this open space planning effort. Weare has made a commitment to protecting groundwater by including an aquifer protection provision in its zoning ordinance. Future non-regulatory provisions, such as land purchase or easements, should be given to areas containing aquifers. These aquifer areas and their immediate contributing watersheds are important water resources worthy of protection.

5. Generalized Land Use and Protected Lands

The *Generalized Land Use* map represents a general view of land use in Weare. This map contains layers identifying land use, including commercial, industrial, multi-family, and mobile homes. This map shows that single-family detached residential use dominates the developmental character of the Town. Weare's residential development is widely dispersed throughout the community, with most of it fronting on pre-existing roads. Commercial activities, other than those classified as home occupations, are mainly located along NH 77 and NH 114. Only a few sites have been identified for industrial use in the Town of Weare.

It is anticipated that future development will continue adjacent to existing roadways, and it would be conducive to the Town's goal of open space planning to encourage such growth. Weare can preserve its rural character and high visual quality by discouraging strip development and focusing new building in, and adjacent to, village centers and in existing commercial development areas. If the community favors this development pattern, Weare's Master Plan update for land use should show dense building districts in these areas. The long-range growth plan for Weare would depict higher density growth areas surrounded by open space lands that could accommodate timber management, agriculture, low-density residential uses and protected lands.

a. Conservation and Public Lands

Protected land is restricted from development through conservation easements, restrictions or outright ownership by an organization or agency whose mission includes preserving land *in perpetuity*. The protected land is identified on the *Conservation and Public Lands Map.* These lands consist of parcels that are mostly undeveloped and protected from future development. Unique or adjoining smaller parcels, as well as other selected state-owned parcels, may also be included. Protected land can be made up of a variety of publicly and privately owned properties in a community. Mapping protected lands is useful for identifying where these lands can be expanded and linked to existing wildlife corridors and where buffers can be added to sensitive areas.

There appears to be an abundance of undeveloped land in the Town of Weare. The Town has an unusual opportunity to work towards the preservation of this very special open space resource. If the Town places a high priority on maintaining its existing open landscape, many techniques and initiatives can be considered for achieving this goal. Alternative means for land protection are described in Appendix D of this Plan.

b. Historical Sites

Lands and sites of cultural and historical importance should be protected in the Town of Weare and should be included in an Open Space Plan. The history of a Town provides a link between today's culture and the historical uses of the land. The National Register of Historic Places (NRHP) categorizes sites deemed to be of historical significance in the region.

Four Historic Sites included on the NRHP in the Town of Weare are as follows:

North Weare Schoolhouse, Old Concord Stage Road, North Side, East of the Junction with NH 114:

- Historic Significance: Architecture / Engineering
- Architectural Style: Italiante, Federal, Greek Revival
- Area of Significance: Architecture
- Period of Significance: 1850-1952
- Owner: Private
- Historic Function: Education
- Current Function: Vacant / Not in Use, Work in Progress

Amos Chase House and Mill, NH 114 West side, 1/8 mile south of junction with NH 77:

- Historic Significance: Event
- Area of Significance: Industry
- Period of Significance: 1850-1874, 1875-1899, 1900-1924
- Owner: Private
- Historic Function: Industry
- Current Function: Commerce / Trade
- Current Sub-Function: Professional

Weare Town House, also known as **Town House and Universalist Meeting House**, NH 114:

- Historic Significance: Architecture / Engineering
- Architectural Style: Gothic Revival, Federal
- Area of Significance: Architecture
- Period of Significance: 1857 - Present
- Owner: Local Government
- Historic Function: Government, Religion
- Historic Sub-Function: City Hall, Religious Structure
- Current Function: Social
- Current Sub-Function: Meeting Hall

Weare Town Hall, constructed during 1837

Caleb Whittaker Place, also known as **Old Millie Perkins Place**, Perkins Pond Road:

- Historic Significance: Architecture / Engineering
- Architectural Style: No Style Listed
- Area of Significance: Architecture
- Period of Significance: 1750-Present
- Owner: Private
- Historic Function: Domestic
- Historic Sub-Function: Single Dwelling
- Current Function: Domestic
- Current Sub-Function: Single Dwelling

Other structures of historic significance in Weare include the Clinton Grove Academy Building (see photo below), and the Osborne Memorial Hall in South Weare. The Clinton Grove Academy was the First Quaker Seminary in New Hampshire, originally constructed in 1834, reconstructed in 1873**.** The present structure was built in 1873, and it replaced the original academy building, which was burned in 1872. In the future, other sites of historic significance may be identified and added to this list for preservation. Historic sites may be seen on the map titled *Natural and Cultural Resources Identified for Protection,* produced by the SNHPC during 1998[2].

[2] Contact SNHPC for price and availability.

Clinton Grove Academy, reconstructed during the late 1800's, was originally built in 1834.

This structure is located within the potential Riverdale Historic District in South Weare.

6. Habitat Features

In order to avoid fragmentation and isolation of plant and animal populations, as well as to maintain continuity of natural landscapes, it is necessary to provide wildlife corridors for plant and animal species. It is also essential to protect critical or threatened habitats, with an emphasis on those areas identified in New Hampshire's Natural Heritage Inventory (NHI). The *Unfragmented Lands Map* displays contiguous unfragmented forest blocks, locations of rare species and natural communities, wetlands, water bodies, open space and recreation areas and conservation land.

a. Rare Species and Natural Communities

Natural area inventories are usually compiled for each state. These inventories identify sites which contain habitat of rare, endangered and threatened natural species. In New Hampshire, this inventory is called the Natural Heritage Inventory and contains data and information on sites in which rare or declining native plants and animals and worthy natural communities of the state are distributed. The Natural Heritage Inventory was used to identify rare species and natural community areas on the *Lands of Special Importance* map. Unfortunately, the natural attractiveness and appeal of these sites has led to their harm and destruction in many areas. As a result, specific site information is not released for public distribution. The locations of these sites are usually characterized by a circular distribution which represents a one-mile-diameter radius that indicates the general location of rare, endangered and important natural habitat. In Weare, several regions have been identified by the Natural Heritage Inventory as containing some important aspects of rare and natural habitat. According to the January 2001 *New Hampshire Natural Heritage Inventory of Rare Plants, Rare Animals, and Exemplary Natural Communities in New Hampshire Towns,* the following were noted to be located in Weare:

- Natural Communities – Terrestrial:
  - Circumneutral Northern Hardwood Seepage Forest
  - Acidic Rocky Summit/Rock Outcrop Community
  - Acidic Talus Forest/Woodland
  - Circumneutral Rocky Summit/Rock Outcrop Community
  - Mesic Central Hardwood Forest on Acidic Bedrock or Till
- Natural Communities – Palustrine:
  - Acidic Level Fen
  - Level Bog
- Plants:
  - Small Whorled Pogonia
- Birds:
  - Night Herring[3]
- Vertebrates – Reptiles:
  - Blanding's Turtle
  - Wood Turtle
- Invertebrates – Mollusks:
  - Brook Floater

[3] Noted by a local resident

b. Open Space and Recreation Lands

A "Natural Area" is defined as "…an area of land or water, or land and water, containing, or potentially containing, plant or animal life or geological features worthy of preservation in their natural condition."

Lands that have been developed or improved for recreational activities such as golf courses, swimming pools, and tennis courts can be considered active recreation sites, while land that is maintained in a natural or near-natural state for recreational or educational purposes would be considered a passive recreation area. Examples of lands having the potential for passive recreation could include river and stream corridors, steep topography or wildlife habitat resources.

c. Unfragmented Land Areas

Wildlife depend upon large tracts of unfragmented land for the provision of adequate food, cover and water. Large intact patches of habitat support a greater diversity of species than small unfragmented patches. Forest lands must not be overlooked when prioritizing open space. Forest lands are often relegated to low-density residential development in many land use plans, and it is apparent that there is a need for a greater understanding of the importance of unfragmented forest lands and their role in the areas of timber production, wildlife habitat and water resource protection.

The *Unfragmented Lands* map indicates that there are several large pieces of unfragmented land that are over 2,000 acres in size, and an even greater number of parcels that are between 500 and 2,000 acres. ***Keeping these portions of land from being further subdivided and fragmented should be a priority for the Town***. An overlay was created by drawing a 500-foot buffer around Class I-V roads to show the probable extent of development, and to reveal large contiguous undeveloped tracts. The road classes were chosen based on the movement of wildlife. It was felt that, although Class VI roads could be built upon, they were much less likely to impede the passage of wildlife than the other road types. As a result, Class VI roads were not included in this analysis.

The habitat value of an unfragmented tract of land increases with the presence of the following:

- **River Corridors**. A large body of water is more valuable within the unfragmented block because large rivers are less common than smaller streams, and can support a wider variety of species.
- **Lakes and Ponds**. Like rivers. Larger lakes are more valuable than smaller ones. For example, some species like the loon can only exist on large lakes.
- **Multiple Combination of Land Cover Types**. Combining forested land covers with one or more of the following other land covers: agriculture, wetlands, disturbed, clear cut. The goal is to find those pieces with the maximum number of habitat types. This habitat diversity reflects the area's wildlife diversity.
- **Proximity** to other unfragmented tracts of land and existence of a connection corridor of natural vegetation will help connect these lands to form a natural habitat connection which allows species to travel within their range more easily and frequently.

Existing developed land in Weare generally parallels the Town road system and has not expanded into the interior natural open space areas. The relatively small area of land dedicated to development results in a very large expanse of forest landscape. Forested areas surround wetlands and ponds in Weare and border the water course network throughout the Town.

The map titled *Natural and Cultural Resources Identified for Protection*, produced in 1998, indicates the potential for development of a greenway that might extend from the Toby Hill area at the western edge of the community through Melvin Valley, and then up through Sugar Hill South. This would be an ideal path for residents and visitors to view much of the existing habitat that lives in these areas. This area could also represent a contiguous path of connected lands which could be used by various species of wildlife, which would be able to travel throughout their range without significant interruption.

View of Toby Hill

7. Linking Sensitive Areas: Greenways

It is important to recognize the linkages that exist between natural areas in the community. Linkages can be shown between existing open space or nodes of development, trails and wildlife corridors so they can be protected. The map series displays contiguous unfragmented forest blocks, locations of rare species and natural communities, riparian corridors, historical sites, floodplains, wetlands, wetland buffers, aquifers, steep slopes, soils of statewide importance, and prime farm soil. These maps give an indication as to what and where sensitive features in the Town of Weare "co-occur."

Greenways are also important, since they serve not only the ability to link certain natural areas, but also the ability to provide citizens areas to recreate and enjoy the natural surroundings. A "Greenway" may be defined as a natural or man made corridor or trail through one or more natural areas which links areas to form a recreational opportunity, usually supported and maintained by a local non-profit organization.

Greenways feature paths and trails of various kinds, often of relatively long distances, based on natural corridors as well as streams, canals, abandoned railbeds, and other public rights-of-ways. Trails often have scenic quality as they pass through diverse and visually significant landscapes. Many successful recreational greenways and green spaces occur where networks of trails link with water-based recreational sites and areas. Greenways offer significant natural corridors and open spaces, usually along rivers, streams and ridgelines, to provide for wildlife migration and biodiversity, and appropriate nature studies. Cultural and Historic Greenways are places or trails with

historic heritage and cultural values to attract tourists and to provide educational, scenic, recreational, and economic benefit.

a. Riparian Corridors

Riparian corridors or stream buffers are undisturbed, naturally vegetated areas contiguous with, and parallel to, rivers and streams that reduce development's impact on water quality, water quantity and fish. Riparian corridors protect water resources by filtering pollutants, maintaining water temperature, stabilizing stream banks and channels, supplying woody debris for stream habitat and providing food for aquatic life. A 300-foot buffer placed around the edge of the water along the shoreline of rivers, lakes and streams is based on recommendations outlined in *Identifying and Protecting New Hampshire's Significant Wildlife Habitat: A Guide for Towns and Conservation Groups* (listed in the Bibliography).

When the open space resources are overlaid, a pattern of areas that should be prioritized becomes apparent. In Weare, a great deal of undeveloped land could be placed in a low-density development or preservation category. The *Wetlands Composite Map* indicates that areas where open space resources overlay each other in multiple layers are distributed across the whole community, with a higher concentration in the wet lowland and aquifer sections of the Town. Priority protection efforts should focus on these concentrated open space value areas.

b. Wetland Buffers

A buffer around a wetland can serve a number of functions, including protection of water quality, wildlife habitat and reducing direct human disturbance from dumped debris or noise. For this project, a buffer of 100 feet was placed around the NWI wetlands. This distance was determined based on the publication *Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities*. This document recommends 100 feet as a reasonable minimum buffer. This determination was made after a thorough review of the research and consultation with natural resource professionals had been completed.

8. Priority Open Space Areas

After reviewing how open space has been ranked, the members of the Weare Open Space Committee prioritized open space based on what they felt were priority areas in terms of environmental and cultural importance. The end result of this process can be seen under the section titled *Recommendations for Open Space Areas* that should be used in conjunction with the maps in this report to assist in identifying priority open space areas.

Open space areas were placed into three categories: highest, medium and lowest priority. The highest priority category includes steep slopes greater than 15%, wetlands, wetland buffers (100-foot buffer around wetlands), floodplains, aquifers, hydric soils, surface waters, riparian corridors (300-foot buffer around water bodies), unfragmented forest blocks, prime/high quality agricultural land, historic properties/sites, greenways, land which provides access or links to a proposed greenway, and wildlife habitat areas. In the medium priority category there is land which provides alternate local connections to the proposed greenway. The lowest priority category contains forest blocks that range from 250 to 500 acres in size.

Using this information, the Town can identify areas where open space should be preserved based on priority. The maps and prioritizations can be a useful tool in assisting with and facilitating open space conservation and preservation decisions.

Section IV: Conclusions and Open Space Concepts

Based on the Town's natural and cultural resources, an opportunity exists for Weare to remain a visually rural community with village centers surrounded by open space (timber management, agriculture, habitat areas and fields cut annually for hay production and visual appeal).

In order to preserve the rural character and current visual quality of the Town's landscape, a concept plan describing the desired open space pattern would consist of:

1. A community priority to protect the village centers as clustered buildings with an open space setting or buffer around the structure groups. Preserve the individuality of the villages and their settings, and focus on maintaining a recognizable edge between the villages and open lands.

2. Strive to prevent strip development, since this would deteriorate the scenic appeal of Weare's roads and would reduce the quality settings of the village building clusters.

3. Preservation of the large open space blocks of land that currently contain wetlands, floodplains, steep slopes, woodlands, wildlife habitat, agricultural fields, historic farmstead and early settlement mill works.

4. Growth would be allowed as uses that blend with the residential, rural character of a country community (some selected uses could be carefully placed to minimize visual and functional conflicts with the character and lifestyle of a small community). Added structures in and near village centers would strengthen the pleasing contrast between open space and building clusters. Spread-out or sprawled development patterns should be avoided. Contemporary development should be hidden from view in rural areas, and fields should be preserved as open land.

5. Consider establishing innovative zoning measures, such as "No Disturb Areas" within residential districts, which would provide for areas of reduced disturbance from the property owners. This would allow for some minor tree thinning, but not for large scale tree harvesting, and other restrictions that would keep much of the property in open space.

Weare Open Space Plan Committee: Recommendations for Open Space Areas

As mentioned under Priority Open Space Areas, the following priorities have been established by the Weare Open Space Committee, in order to facilitate future recommendations for selection of areas to protect in Weare. A composite of these areas may be seen on the map titled *Potential Areas for Open Space Protection.* Please remember that this map does not suggest that all areas shown in green are available for open space protection. It simply displays all the layers that are relevant to

open space. And remember that all open space protection should take place between a willing land owner and conservation / land trust agency or municipality.

While communities may desire to protect a large amount of open space before it becomes available on the market, prioritization enables the community to protect the most important land to them. In the future these priorities may change as needs change within the community.

Highest Priority

- Steep Slopes greater than 15%
- Wetlands
- Wetland Buffers
- Floodplains
- Aquifers
- Hydric Soils (very poorly and poorly drained soils)
- Surface Waters (Ponds, Streams, Lakes, etc.)
- Riparian Corridors
- Forest Blocks (Unfragmented Land Areas) greater than 2000 acres
- Prime/High Quality Agricultural Land
- Historic Properties/Sites (mill and dam sites, villages, buildings, parks, farmsteads, fields, cemeteries)
- Greenways
- Recreational Resource Lands in close proximity to villages
- Wildlife Habitat Areas

Medium Priority

- Land which provides an access or link to a proposed greenway
- Forested Blocks (Unfragmented Land Areas) 500 to 2000 acres

Lowest Priority

- Forested Blocks (Unfragmented Land Areas) 250 to 500 acres

In addition, the following special places should be considered for use in the future as open space for the Town of Weare:

- Extended portions of the Piscataqua River shoreline which are not currently developed and which will help link existing conservation sites;

- Railroad rights-of-way;

- Corridors extending from Federal lands to Mount William for wildlife and recreation areas;

- Preservation and linkage of large tracts of land in southwest Weare and north-central Weare.

Glossary of Some Common Open Space Terms

Assessed Valuation: The value of property as determined for property tax purposes. The assessed valuation is not necessarily the true market value of property, and is not usually accepted by the IRS for federal tax purposes.

Biological Diversity: The variety and variability of all living things.

Conservation Easement: A conservation Easement consists of a deed conveying perpetual restrictions on real property. These restrictions include limitations on the future use or development of the property. Rights may include access to the easement grantee for monitoring.

Conservation Gift: A donation in an interest in land for conservation purposes, including easements, gifts, bargain sales, and other types of gifts.

Conservation Restriction Assessment: Land permanently subject to a conservation easement is assesses at the low current use assessment rates.

Current Use Assessment: When undeveloped land is taxed at a low rate rather than actual assessed value. A Land Use Change Tax will be assessed if the land is later developed.

Fragmentation: Land which is fragmented mainly by roads, but could also be fragmented by development.

Greenway: A natural or man made corridor or trail through one or more natural areas which links areas to form a recreational opportunity, usually supported and maintained by a local non-profit organization.

Habitat: An area that contains all the resources – food, water, cover and space – essential for the survival of a wildlife population.

Land Trusts: A private or public group formed for land conservation and protection, usually municipal subdivisions or private voluntary corporations.

Land Use Change Tax: A penalty tax imposed when land under the current use assessment program is developed, also known as change of use penalty tax.

Monitoring: Periodic inspection of property under a conservation easement to ensure the restrictions have not been violated.

Reserved Area: A portion of a tract of land not subject to the terms of the conservation easement.

Tax Lien Properties: Tax lien properties have been and will be taken by the Town of Weare to help with land conservation purposes.

Wildlife Corridors: These corridors have been developed to assist wildlife to roam freely within their range as well as to provide habitat and cover.

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APPENDIX A
COMMUNITY OPEN SPACE MAPS IN WEARE, NEW HAMPSHIRE

APPENDIX B
OPEN SPACE PLANNING THAT WORKS LOCALLY

Stratham Case Study: Open Space
$5,000,000 for Open Space……Are You Crazy?

By Caroline Robinson of Stratham and Roger Stephenson of Exeter April 2002

People attracted to our lovely seacoast Town see that we live in an ideal setting. While only ten minutes from the ocean, we enjoy easy access to three major cities. New Hampshire's mountain ranges and clear deep lakes are close by. Stratham is an attractive place to call home. It is no wonder that people want to move here.

Our Conservation Commission has been trying for years to compete for local developers for the purchase of land and easements, with little success. Because Town Meeting comes only once a year and landowners cannot always delay sale of their property until that time, opportunities to protect land have been missed.

Fueled by the knowledge that other New Hampshire Towns had funded major land conservation initiatives, the Conservation Commission decided in November to embark on a major campaign to permanently protect 750 acres, roughly 1/3 of our remaining buildable land. We named the campaign "Stratham, Our Town," and decided to ask the voters at Town Meeting to approve a $5 million bond to be paid back over 15 years. The amount and term would keep the residential tax increase at or just under $1 per $1000 and would give Stratham the flexibility to save significant parcels of open space.

An eight member subcommittee was appointed to carry out the major tasks of program design and public education. Three members were on the Conservation Commission, three grew up in Stratham and two were active farmers. The others brought vital skills to the team.

Perhaps the most significant strategic decision at the beginning was go around the media by communicating directly with the voters. We did not want to engage in a debate in the newspaper. We wanted to increase awareness about our land protection campaign, and did so through a series of five newsletters mailed to each Stratham household over a period of ten weeks. We drafted a list of people whose opinions we knew were trusted by fellow members of the Stratham community. We spoke with Selectmen, members of the volunteer fire department, school board members, the Heritage Commission, librarians, Rotarians, retirees and farmers – testing our messages and listening for areas of concern, objections or questions. Among them:

- Why do we need to conserve land?
- Which parcels need protection?
- What will it cost us?
- How will it affect me?
- Will this hurt our tax base?
- Why is this good for Stratham?
- Who will decide how the money is spent?
- What does it mean for landowners?

The newsletters were funded by donations held by the local land trust. The Selectmen offered significant input into the formation of the plan. The Town Manager took full responsibility

for the negotiation of the bonding and wording of the warrant article (these two tasks are monumental and require a thorough understanding of state law and bonding procedures.)

Additional volunteers led a walking tour of protected land, wrote letters to the editor and tracked supporters. We held two public forums on opposite sides of Town on two different nights. We communicated our proposal using Power Point and walked the audience through the tax implications of land protection. We incorporated financial data (from our 2001 Town Report) and school census data into our illustrations. Early on, this presentation and its tax message was especially important to the Board of Selectmen – for their approval was required if the campaign was to move forward to Town Meeting.

The tax message – that residential development costs the Town money – was presented in scrupulous fashion. We learned that many numbers and calculations can cause confusion, suspicion and loss of interest. Opponents questioned the accuracy of our numbers; we came close to losing control of the debate. Fortunately, the presentation also emphasized our main message: open space preserves rural character, conserves wildlife habitat and protects groundwater. "Figures may lie and liars figure," but few could dispute the ill effects of sprawl in our small rural Town.

New Hampshire Public Radio sent a reporter to Stratham and produced a balanced story which aired a week before the vote. The Union Leader called for an interview as part of a larger statewide story. Fosters Daily Democrat covered our walking tour and the Exeter Newsletter reported on each public meeting. We did not solicit the media's attention but we managed our responses to media inquiries, making sure our message stayed clear and consistent.

On voting day, three days before Town Meeting, we stationed ourselves at the exit polls to speak with more residents and hand out flyers. We made telephone calls to remind supporters to attend Town Meeting. We canvassed targeted neighborhoods. E-mail proved very helpful.

It worked. On Town Meeting night, more than 600 people packed the Municipal Center, spilling over into two overflow zones. Citizen debate lasted an hour. Supporters voiced the key messages we had delivered throughout the previous 3 months. 462 out of 525 registered voters - 88% -- voted YES. Conservation Commission Chairman Gordon Barker called the positive response a defining moment for Stratham, demonstrating that the Town is deeply committed to preserving land and fulfilling the open space mission of the Master Plan.

Newfields New Hampshire Votes in Favor of Open Space March 2002

Residents of Newfields voted in favor of raising $2 million to purchase land, conservation easements and development rights on March 12, 2002. The money will come from the Selectmen's authorization to sue and negotiate bonds, which will cost taxpayers about $1.50 per $1,000 of assessed valuation, or about $300 annually for a house and property assessed at $200,000. The vote was over 80% in favor of raising funds for open space protection. The Planning Board and Conservation Commission must review and recommend plans for purchase. The Town completed a survey to determine how much open space there is in Newfields. The land use change tax has only produced $127,000 during the past nine years, so this move is appropriate.

Wilmington MA Open Space Plan Backed March 2002

The Town of Wilmington's Board of Selectmen have voted to back a plan to preserve open space, as well as plan for recreational use. The Town's plan comes as a final report of the Wilmington Open Space and Recreation Committee. A main objective is to protect Silver Lake by acquiring property along the shoreline, increasing access, and eliminating the use of gas-powered vehicles on the lake. Also encouraged are development of walking, running, hiking and bicycling trails to connect open space along the Shawsheen River in Andover with Wilmington Town Forest and Water Department lands.

Dunbarton NH Kimball Pond Protected March 2002
The Dunbarton Conservation Commission and the Trust for Public Land have pulled together to fund $1.035 million to conserve Kimball Pond, which is totally undeveloped. The Pond provides outstanding opportunities for fishing and canoeing, and publicly accessible by means of a state-maintained boat launch. The property and surrounding conservation land serve as an important wildlife and recreation corridor, as well as provide habitat for rare wildlife species, including the American bittern, Blanding's turtle, blue-gray gnatcatcher, common loon, Cooper's hawk, New England Cottontail, Northern harrier, pied-billed grebe, sedge wren, spotted turtle, and wood turtle. An additional $50,000 is needed to complete the conservation of this area.

Land Purchase in New Hampshire Links Wetlands in Wildlife Refuge
A year-long drive by the state, its Congressional Delegation, local leaders and conservationists to expand the Lake Umbagog National Wildlife Refuge, which is New England's prime habitat for various threatened species, helped the US Fish & Wildlife Service conclude a $3.245 million purchase of 6,218 acres in the adjacent Town of Errol from the Boston-based Hancock Timber Resource Group. The purchase links together many breeding and wetland sites and secures significantly improved public access. The refuge draws kayakers and fishermen in the summer and snowmobilers and cross-country skiers in the winter. The Trust for Public Land partnered with all involved agencies to help protect this natural and scenic jewel.

Town of Merrimack Votes for Open Space March 2002
The Town of Merrimack voted to raise the sum of $4.225 million for the purchase of approximately 563 acres of land to be used for conservation, open space and recreational facilities. The results of the vote were 2-1 in favor of designating money for open space conservation. The vote authorizes the Board of Selectmen to "issue, negotiate, sell, and deliver said bonds and notes and to determine the rate of interest, the maturity, and other terms pertaining thereto; …….. to apply for and accept said grants of federal, state, and private aid; …… to take any other action or to pass any other vote relative to said purpose and financing, including subdividing the land and imposing separate and distinct conservation limitations on portions of the land if so required by any financing agency; and to raise and appropriate the sum of $96,188 for the purpose of 2002-03 interest on said bonds or serial notes."

APPENDIX C
STATE AND FEDERAL GRANT OPPORTUNITIES

There are numerous State and Federal grant programs available that can be used to promote open space protection. The status of grant programs is subject to change. However, the following includes some current programs that could be used by the Town to further the open space plan goals and key actions.

STATE PROGRAMS:

Community Conservation Assistance Program. UNH Cooperative Extension. Assistance for project guidance and training for community projects through municipalities and non-profit conservation groups. Contact Amanda Stone at (603) 364-5324.

Community Foundation Grant Program. The Greater Piscataqua Community Foundation Provides funding to non-profit and public agencies in the fields of environment, arts and humanities, education, and health and social and community services. Contact www.nhcf.org or (603)430-9182.

Conservation License Plate Grant Program. NH State Conservation Committee. To promote natural resource related programs throughout NH. Conservation districts, Cooperative Extension, conservation commissions, schools, groups, and other non-profits can apply for funding. Contact Joanna Pellerin, at (603) 679-2790 or www.mooseplate.com.

Fisheries Habitat Conservation Program. NH Fish and Game Department. To conserve fisheries habitat through a watershed approach. Landowners wishing to protect/enhance fisheries habitat can apply for funding. Contact Scott Decker, (603) 271-2744 or sdecker@wildlife.state.nh.us.

Forest Legacy Program. Provides up to 75% of the purchase price for development rights to forestlands from willing sellers. Streamside land is among program priorities. Rights are held by the state in perpetuity, while the landowner retains all other rights, including the right to harvest timber. Contact NH DRED at (603) 271-2411.

Land and Community Heritage Investment Program. This is a grant program for conserving and preserving New Hampshire's most valuable natural, cultural, and historical resources. Grant applications for the purchase of land/buildings or restoration of structures are accepted from tax – exempt organizations, municipalities, or other political subdivisions of the State. Contact the SNHPC or visit www.lchip.org.

Land and Water Conservation Fund Program. Provides grants to state and municipal agencies for outdoor recreation and conservation projects. Contact Allison McLean at NH DRED Division of Parks and Recreation, at (603) 271-3556.

New Hampshire Drinking Water Source Protection Program. This grant is available to public water suppliers for source water protection. The program, which began in 1997, has a total of $200,000 available to disburse every year to eligible municipalities. Grant amounts vary from $2,000 to $50,000. Past grants have been used to fund a watershed assessment and protection plan; perimeter fencing to protect a wellhead area; and monitoring wells for groundwater evaluation. Past

recipients include: Conway, Lebanon, Manchester, Rochester, Dover, Keene and Portsmouth. For further information contact: Sarah Pillsbury at (603) 271-1168 or e-mail **swap@des.state.nh.us**.

Nonpoint Source Local Initiatives Grants (Section 319 Grants). For watershed management efforts. Grants given to associations, organizations, agencies. This grant program helps to fund all aspects of watershed management including organization, building, planning and assessment. Each year, a total of approximately $160,000 is made available to about 15 eligible local projects aimed at protecting water quality. Call (603)271-2358 or www.des.state.nh.us/wmb/was/grants.htm

Transportation Enhancement Program. New Hampshire Dept. of Transportation. Provides funding for scenic highway projects and mitigation of water pollution due to highway runoff. Contact (603) 271-3734.

Watershed Restoration Grants (Section 319 Restoration Grants). Grants can be given to farmers, watershed associations, conservation districts, non-profit organizations, regional planning agencies, and municipalities to implement practices that help restore impaired waters. Call ((603) 271-2358 or www.des.state.nh.us/wmb/was/grants.htm

Wildlife habitat – Small Grants Program – NH Fish and Game Department. For restoring, sustaining, or enhancing wildlife habitat on privately owned land. Owners of private, municipal, corporate or other non-governmental lands can apply for funds to implement habitat-improving practices. For more information, contact your regional F&G office or Charlie Bridges at (603) 271-2461.

FEDERAL SOURCES:

Coastal America Corporate Wetlands Restoration Partnership. U.S. Army Corps of Engineers. Voluntary public-private partnership in which corporations join forces with federal and state agencies to restore wetlands and other aquatic habitats. Contact (978) 318- 8238.

Conservation Reserve Program (CRP) . USDA Farm Service Agency. For converting highly erodible land to vegetative cover. Annual rental or other incentive payments for certain activities are offered. Cropland owners and operators who have owned or leased the land for at least 1 year can apply for funds. Contact your local USDA Service Center or www.fsa.usda.gov for more information.

Environmental Quality Incentives Program. USDA Natural Resources Conservation Service. Cost sharing and technical assistance for planning and installation of environmentally beneficial and cost effective conservation practices that address locally identified natural resource concerns. Agricultural or forestry producers can apply. The EQUIP program assists landowners wishing to conserve archeological and other cultural resources. This program provides technical expertise and field experience on a voluntary basis to private landowners in developing conservation systems. The program provides assistance to rural and urban communities to reduce erosion, conserve and protect water and solve other resource problems. The EQIP is a voluntary conservation program for farmers and ranchers who face serious threats to soil, water and related natural resources.

Eligibility is limited to persons engaged in livestock or agricultural production. Priority areas are identified through a locally led conservation process, which requires completion of a natural

resources needs assessment and develops proposals. Activities must be carried out according to site specific conservation plans subject to NRCS technical standards. EQIP provides technical, financial and educational assistance, primarily in designated priority areas, to install or implement structural, vegetative, and management practices. It offers 5-10 year contracts that provide incentive payments (up to 3 years) and cost sharing (up to 75%) for conservation practices. Total cost-share and incentive payments limited to $10,000 per person per year and $50,000 over length of contract. Contact: Michael J. Kaczor, National Cultural Resources Specialist, Federal Preservation Officer (FPO), Natural Resource Conservation Service, Ecological Sciences Division, PO Box 2890, Washington, DC 20013. Phone: 202-720-4912. Fax: 202-720-1814. Or visit www.nh.nrcs.usda.gov or call (603)868-7581 to find your local contact.

Farmland Protection Program. Administered through the US Department of Agriculture Natural Resources Conservation Service. Provides matching funds to help slow the conversion of farmland to non-agricultural uses. An entity holds the conservation easement deed, and land must contain important farmland soils, and an RCCS conservation plan. The easements are for 30 years, but priority is given to perpetual easements. The Farmland Protection Program is a voluntary program implemented by the United States Department of Agriculture (USDA) and the Natural Resources Conservation Service (NRCS), and provides funding to State or local governments with existing farmland protection programs to purchase conservation easements. To be eligible for the FPP, the land must be: part of a pending offer from a non-governmental organization, state tribe, or local farm protection program; on prime, unique, or other important farmland soil; covered by a conservation plan developed with/through the Natural Resources Conservation Service; privately owned; large enough to sustain agricultural production; accessible to markets for what the land produces and surrounded by parcels of land that can support long-term agricultural production. Visit www.nh.nrcs.usda.gov or contact the NRCS State Office in Durham NH at (603) 868-7581.

North American Wetlands Conservation Fund. This fund assists partnerships in acquisition, enhancement and/or restoration of wetlands and associated uplands for migratory birds and other wildlife. A one-to-one federal match is required. This program strives to conserve North American wetland ecosystems and waterfowl and the other migratory birds and fish and wildlife that depend upon such habitats. This program provides grants under the North American Wetlands Conservation Act (NAWCA). Projects are subjected to a scoring process and site visits, if needed. Projects rank higher if they contain long-term acquisition or restoration, high migratory bird values, a high match grant ratio and many diverse partners. These funds are primarily used for acquisition, restoration and enhancement of wetlands and associated uplands. Uses of grant and matching funds include (but are not restricted to) research, conservation education, and public use, (e.g., roads, viewing towers). Grant requests can range from $50,000 to $1,000,000.

A one-to-one match is required. Sources of funds include Congressional appropriations that are not possible to predict, but the program has averaged about $30 million per year since the first year FY 1991. Grant instruction booklets and local contact information are available by contacting the Fish and Wildlife Service's North American Waterfowl and Wetlands Office at Room 110, 4401 North Fairfax Drive, Arlington, Virginia 22203. Phone: 703-358-1784. Email: R9ARW_NAWWO@MAIL.FWS.GOVWebsite

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Partners For Fish and Wildlife – US Fish and Wildlife Service. To restore, improve, and protect fish and wildlife habitat on private lands, private landowners, private organizations, Towns and

municipalities can apply for cost-sharing funds. Contact Robert Scheirer at (603) 223-2541 or Robert_scheirer@fws.gov.

Scenic and Cultural Byways Program. Roads designated under the New Hampshire Scenic and Cultural Byways Program may be eligible for federal grant money for purchase of conservation easements for scenic values along designated byways. Such funds may be used to ensure the long term protection of open spaces along the byways. Contact www.state.nh.us/osp/scenicbyways/scenicbyways

Wetlands Reserve Program (WRP) – USDA Natural Resources Conservation Service. To protect/enhance wetlands through conservation easements or cost-share agreements. Technical assistance and cost-share funding (or a permanent easement) are available for landowners with eligible wetlands. The Wetland Reserve Program (WRP) is a voluntary program to restore and protect wetlands on private property. WRP offers three options: permanent easements; 30-year easements; and restoration cost-share agreements with minimum 10-year duration. Some easements may be eligible for tax credits. Land must be restorable and suitable for wildlife benefits. To offer conservation easement, landowner must have owned land for at least one year prior to program enrollment unless land was inherited or not obtained for purpose of enrolling it in the program. To participate in restoration cost-share agreement, landowner must show ownership evidence. Ineligible land includes wetlands converted after December 23, 1985; lands with timber stands established under CRP contract; federal lands; and lands where conditions make restoration impossible.

Contact: Michael J. Kaczor, National Cultural Resources Specialist, Federal Preservation Officer (FPO), Natural Resource Conservation Service, Ecological Sciences Division, PO Box 2890, Washington, DC 20013. Phone: 202-720-4912. Fax: 202-720-1814. Or contact Alan Ammann at (603) 868-9931 Ext. 103 or aammann@nh.usda.gov.

Wildlife Habitat Incentives Program – USDA Natural Resources Conservation Service. A voluntary cost-sharing program to improve wildlife habitat on non-federal land. NRCS will help landowners or land managers develop a wildlife habitat plan based on their management objectives. The Wildlife Habitat Incentives Program (WHIP) is a voluntary conservation program for those wanting to develop and improve wildlife habitat on private lands. The program offers three options: permanent easements; 30-year easements; and restoration cost-share agreements with minimum 10-year duration. Some easements may be eligible for tax credits. Individuals must own or have control of land under consideration. There is no minimum acreage requirement. WHIP may also be used to restore riparian habitat. Land is not eligible if it is currently enrolled in similar USDA programs, used for mitigation, owned by the federal government, or if the USDA determines that on-site or off-site conditions would reduce the benefits of habitat development.

This program provides technical and financial assistance for initial establishment of wildlife habitat development practices. If landowner agrees, state and private organizations may provide expertise or additional funding to help complete a project. Cost-share assistance requires at least 10-year agreement; up to 75% of cost of installing the practices is paid. Cost-share payments may be used to establish, maintain, or replace practices. Generally, total cost share cannot exceed $10,000 per contract. Contact: Michael J. Kaczor, National Cultural Resources Specialist, Federal Preservation Officer (FPO), Natural Resource Conservation Service, Ecological Sciences Division, PO Box 2890, Washington, DC 20013. Phone: 202-720-4912. Fax: 202-720-1814. Or contact Alan Ammann at (603) 868-9931 Ext. 103 or aammann@nh.usda.gov.

APPENDIX D
OPEN SPACE IMPLEMENTATION METHODS

To help fulfill the Town of Weare's Open Space Plan Goals, Objectives, and Recommendations, the following summarizes a variety of tools and techniques that communities throughout New Hampshire have used to protect open space. Dorothy Tripp Taylor describes many of these tools and techniques in more detail in the handbook "Open Space for New Hampshire, a Tool Book of Techniques for the New Millennium." The handbook also refers to associated state laws and regulations, sample communities that have used these methods, and where to acquire technical assistance and additional written documents on each method. If the Town of Weare is interested in acquiring more information on any of the following, this resource should be utilized.

Agricultural District Laws: Agricultural district laws allow farmers to form special areas where commercial agriculture is encouraged and protected. Programs are authorized by state legislatures and implemented at the local level. Common benefits of enrollment in a district include automatic eligibility for differential assessment, protection from eminent domain and municipal annexation, enhanced right-to-farm protection, exemption from special local tax assessments and eligibility for state PACE programs.

Buffers: Planning Boards are advised to consider a buffering requirement on uses adjacent to a farm when reviewing plans for subdivisions.

Circuit Breaker Tax Relief Credits: Circuit breaker tax programs offer tax credits to offset farmers' property tax bills. Like differential assessment laws, circuit breaker tax relief credits reduce the amount farmers are required to pay in taxes.

Conservation Easements: A voluntary legal instrument between the Town and a landowner that can be used to preserve unique features of a property by restricting the type and amount of development or even to prevent the property from being developed at all.

Current Use Program: The Current Use Program is voluntary for landowners, however it is required under state statute for municipalities. Land under the New Hampshire's Current Use program is based upon the value of the land as it is being used now (usually farmland, forest, and wetlands) as opposed to its potential use that would result in the property being taxed at a significantly higher rate.

Density Bonuses: Developers are allowed some reduction in regulations, such as approval for a limited number of additional units on a site reduced road width or set back requirements, in exchange for providing something else that the community desires.

Designating Forests: A Town or the state, through the Department of Resources and Economic Development (DRED), can purchase, manage and improve forest lands. The forest designation can encourage reluctant landowners to donate their forest land because the donation can be accompanied by conditions restricting its use. The Town also benefits from the forest designation. It can receive money from the state in lieu of taxes it would have gotten if the land were privately owned.

Designating Scenic Roads: The Planning Board, Conservation Commission, Historical Commission can request that a particular road be designated as "scenic." The entire road does not have to be

designated as scenic; portions of roads are acceptable. Voters can decide at a Town meeting whether to officially approve the road(s). Prior to acceptance of a road as "scenic" abutters must be contacted and informed of the designation. Once the road is officially designated as "scenic" any repair, maintenance, reconstruction, or paving work done to that road cannot involve the removal of trees or any portion of a stone wall except with the written permission of the Town Planning Board after a public hearing is held.

Growth Impact Tools: Under certain circumstances, a Town may adopt regulations to control the rate of development. A Town must have both a master plan and a capital improvement plan before it can adopt any ordinances controlling the timing of development. In certain rapid growth situations, slowing the rate of development can give a community time to update its master plan, develop infrastructure, and consider ways to conserve open space. Methods include limiting the number of building permits or an interim growth moratorium allowing the planning board to halt development for up to one year.

Impact Fees: Towns that have capital improvements programs are allowed to charge developers impact fees to help cover the costs of the development on specific municipal facilities. While the statute specifies that the fees cannot be used for public open space, fees can be used to direct new development to desired areas.

Management Agreements can be made with willing landowners through verbal or written agreements or contract agreements to help protect natural resources.

On-farm retail sales: Flexibility in site plan review regulations can be used to exempt farm stands from inappropriate commercial regulation, or allow a community to develop a tiered approach to the regulating of farm stands. Communities are encouraged to exempt seasonal farm stands from municipal regulations other than proof of safe site access. Year round operations warrant review by the local authorities to address the safe operation of the site. However, the review should be modified to provide for reduced standards from those applied to commercial and industrial uses.

Overlay Districts: Overlay districts can be used by communities to apply special regulations to a number of resources with definable site specific characterization that can be delineated on a map. There are several types of overlay districts, such as drinking water, wetlands, steep slope, mountain, agricultural, village, historic, species of concern, and scenic overlay districts.

Purchase of Agricultural Conservation Easement Programs (PACE): Purchase of Agricultural Conservation Easement Programs pay farmers to protect their land from development. Landowners sell agricultural conservation easements to a government agency or private conservation organization. The agency or organization usually pays them the difference between the value of land for agriculture and the value of the land for its "highest and best use," which is generally residential or commercial development. Easement value is most often determined by professional appraisals, but may be established through the use of a numerical scoring system that evaluates the suitability for agriculture of a piece of property.

PACE programs allow farmers to cash in a fair percentage of the equity in their land, thus creating a financially competitive alternative to selling land for non-agricultural uses. Permanent easements prevent development that would effectively foreclose the possibility of farming. Removing the development potential from farmland generally reduces its future market value. This may help facilitate farm transfer to the children of farmers and make the land more affordable to beginning

farmers and others who want to buy it for agricultural purposes. PACE provides landowners with liquid capital that can enhance the economic viability of individual farming operations and help perpetuate family tenure on the land. Finally, PACE gives communities a way to share the costs of protecting agricultural land with farmers.

Performance and Design Standards: Performance and Design Standards can include aesthetic and natural characteristics based land use regulations, and flexible zoning.

Purchase of Development Rights or Transfer of Development Rights (PDR or TDR): The purchase of development rights is essentially the purchase of a conservation easement. Instead of donating easements, farmers can sell them to the state, concurrently placing permanent agricultural preservation restrictions on their farms. Similarly, a community or local group may purchase development rights on farmland or other land. Instead of a tax deduction for the gift of an easement, the landowner receives cash for the value of the easement. Transfer of development rights operates under the same theory as a purchase program. This program transfers development from one area to another, which preserves open space in the sending area. Essentially development rights are transferred from conservation land, such as farmland, to land slated for development. A developer purchases development rights from the owner of land in a conservation zone in order to accrue development "points". He or she can apply points toward development of property in a zone where development in encouraged and develop that land at a greater density than would otherwise be permitted.

Purchase of land: A voluntary method that a Town can use to preserve open space. Land can be acquired through donation or purchase with or without various restrictions including deed restrictions, conservation easements, or for tax benefit to the donor.

Although purchasing property is an obvious method that a Town can use to preserve open space this method can often times be cost prohibitive to a community. However, there are a variety of methods that a Town can use to appropriate funds to purchase land for conservation purposes. A Town can appropriate money through a Conservation Fund. These funds can be utilized after a vote of the Town legislative body. The Town can use Capital Reserve Funds as long as they are specified for a particular purpose such as purchasing land or an easement. Dollars have been raised through managing Town property in some communities, usually through timber harvesting. Surplus Funds from previous years can be used after a Town meeting vote. If a proposal passes Town meeting by a two-thirds vote, the Town can borrow money through a municipal bond. A property that the Town acquires through a tax lien could be used for conservation purposes, or if the Town decides to sell the particular property prior to this a conservation easement or deed restriction could be placed on the property. Finally, land use change tax can be used for conservation purposes when a property is withdrawn from the Current Use Program.

Site Plan Review Regulations: A broad range of issues can be analyzed under site plan review including traffic circulation and access, parking, water supply and sewage, impacts to environmental resources, landscaping, visual impacts, air and water pollution, and noise.

Tax Abatement: Tax abatement is the exemption or deferment of taxes under certain conditions, either for a specified time period or until the conditions are no longer met. Taxes can be abated in New Hampshire for providing shade trees adjacent to highways and for not cutting timber. Any person can apply to the selectmen to have their taxes abated if they plant and protect shade trees along a highway adjoining their land. A person who owns and cuts woodlands as a business has to

file a notice of intent to cut with the proper assessing officials in the Town where such cutting is to take place. This notice includes, among other things, the persons name, residence, and an estimate of the amount and species to be cut. This procedure enables tax officials to tax an owner for the wood that is cut.

Tax deduction: The federal government provides some inducements to encourage people to donate land or conservation restriction on their land to the public either during their lifetime or else in their wills. A person can deduct, on their federal income tax return, the amount of the value of the property or conservation restriction donated, subject to a ceiling on the allowance for charitable gifts in any one-year.

Urban Growth Districts: An urban growth district allows a community to define one or more areas where growth and development will be concentrated. Typically this includes downtown areas and perhaps existing areas with higher concentrations of development. Open space can be conserved outside the urban growth by concentrating desired growth inside the urban growth district.

APPENDIX E

WEARE OPEN SPACE PLAN: PLANNING PROCESS AND PUBLIC PARTICIPATION

During the development of the Weare Open Space Plan, a planning process was followed to assure community participation in open space decisions and recommendations through a series of Public Meetings. SNHPC staff first met with the Planning Board and the Conservation Commission at a regularly scheduled Planning Board Meeting open to the public on November 15, 2001, at 7:00 p.m. The purpose of the meeting was to discuss the scope of services for the project, initiate collaboration, and define the roles and responsibilities of the Planning Board and Conservation Commission with tasks such as publicizing meetings and assisting SNHPC with data collection.

The second meeting was held on February 21, 2002 to present a series of maps that SNHPC produced for the Town as well as a set of draft goals for the Plan. This meeting was a regularly scheduled Planning Board meeting. The Town's Planning Board and Conservation Commission were presented with the maps for review to determine inaccuracies and/or omissions, and to forward comments back to SNHPC.

The third meeting was held during March 27, 2002. This meeting was held for the Open Space Planning Committee (OSPC), in order to allow them to focus more fully on the plan. It was determined at this meeting that SNHPC staff would tour the Town's cultural and natural resources with volunteers from the Conservation Commission. That tour took place on April 4th 2002.

The fourth meeting was held on April 24, 2002. At this meeting the OSPC was presented with a draft of the Weare Open Space Plan. The OSPC made a number of comments on the Plan, and scheduled their next meeting to be on May 20, 2002. At this meeting, final adjustments were made to the Plan, and the Conservation Commission decided to present the Plan to Weare's Planning Board on June 27, 2002.

APPENDIX F
OPEN SPACE TOUR WITH THE WEARE OPEN SPACE PLANNING COMMITTEE
APRIL 4, 2002

	Location	Photos and Information
1.	Melvin Valley	3 photos
2.	Brown Hill	50 acres, one ownership
3.	Horace Lake	1 photo
4.	Craney Hill	150 acres on Thorndike; may commit to other conservation easements. 43 acres, 30 now in conservation; may be some interest to trade 13 acres for 52 acres on Tobey Hill. No photos.
5.	Tobey Hill	52 acres for potential swap as noted in number 4 above. 1 photo.
6.	Riverdale	Potential historic district, Old Mill Village area, original Town center, 1 photo.
7.	Clinton Grove Academy	First Quaker Seminary in New Hampshire originally constructed 1834, reconstructed 1873**.** Present building built in 1873 replaced original academy building, which was burned in 1872. 2 photos.

APPENDIX G
SELECTED NEW HAMPSHIRE STATUTES
RELATED TO OPEN SPACE

TITLE 5 Taxation CHAPTER 79A Current Use Taxation

§ 79-A:1 Declaration of Public Interest. – It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources. It is further declared to be in the public interest to prevent the loss of open space due to property taxation at values incompatible with open space usage. Open space land imposes few if any costs on local government and is therefore an economic benefit to its citizens. The means for encouraging preservation of open space authorized by this chapter is the assessment of land value for property taxation on the basis of current use. It is the intent of this chapter to encourage but not to require management practices on open space lands under current use assessment.
Source. 1973, 372:1. 1991, 281:2, eff. Aug. 17, 1991. 1996, 176:2, eff. Aug. 2, 1996.

TITLE 5 Taxation CHAPTER 79A Current Use Taxation

§ 79-A:4 Powers and Duties of Board; Rulemaking. – The board shall have the following powers and duties:
I. It shall meet at least annually, after July 1, to establish a schedule of criteria and current use values to be used for the succeeding year. It shall have the power to establish minimum acreage requirements of 10 acres or less. It shall also review all past current use values and criteria for open space land established by past boards. The board shall make such changes and improvements in the administration of this chapter as experience and public reaction may recommend.
II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snow shoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific agricultural or forest crop or activity. The owner of land who opens his land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34.
III. The board shall annually determine, vote upon and recommend to the chairman of the board the schedule of criteria and current use values for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums throughout the state to receive general comment through verbal and written testimony on the current use law. After the public forums are concluded and the board has made its recommended changes, the chairman shall proceed to adopt any proposed rules, in accordance with paragraph IV.
IV. The chairman of the board shall adopt rules, pursuant to RSA 541-A, for the schedule of criteria and current use values as recommended by the board, and for other forms and procedures as are needed to implement this chapter consistent with board recommendations and to assure a fair opportunity for owners to qualify under this chapter and to assure compliance of land uses on classified lands.
Source. 1973, 372:1. 1974, 7:4. 1977, 326:3. 1982, 33:2. 1986, 62:1. 1988, 5:3. 1991, 281:7. 1993, 205:1. 1995, 137:3, eff. May 24, 1995.

TITLE 5 Taxation CHAPTER 79A Current Use Taxation

§ 79-A:25 Disposition of Revenues. – I. Except as provided in paragraph II, all money received by the tax collector pursuant to the provisions of this chapter shall be for the use of the Town or city.
II. The legislative body of the Town or city may, by majority vote, elect to place the whole or a specified percentage, amount, or any combination of percentage and amount, of the revenues of all future payments collected pursuant to this chapter in a conservation fund in accordance with RSA 36-A:5, III. The whole or specified percentage or amount, or percentage and amount, of such revenues shall be deposited in the conservation fund at the time of collection.
III. If adopted by a Town or city, the provisions of RSA 79-A:25, II shall take effect in the tax year beginning on April 1 following the vote and shall remain in effect until altered or rescinded pursuant to RSA 79-A:25, IV.
IV. In any Town or city that has adopted the provisions of paragraph II, the legislative body may vote to rescind its action or change the percentage or amount, or percentage and amount, of revenues to be placed in the conservation fund. Any such action to rescind or change the percentage or amount, or percentage and amount, shall not take effect before the tax year beginning April 1 following the vote.
Source. 1973, 372:1. 1988, 120:2. 1991, 281:19, 20, eff. Aug. 17, 1991.

TITLE 5 Taxation CHAPTER 79A Current Use Taxation
§ 79-A:25-a Land Use Change Tax Fund. – I. Towns and cities may, pursuant to RSA 79-A:25-b, vote to account for all revenues collected pursuant to this chapter in a land use change tax fund separate from the general fund. After a vote pursuant to RSA 79-A:25-b, no land use change tax revenue collected under this chapter shall be recognized as general fund revenue for the fiscal year in which it is received, except to the extent that such revenue is appropriated pursuant to paragraph II of this section. Any land use change tax revenue collected pursuant to this chapter which is to be placed in a conservation fund in accordance with RSA 79-A:25, II, shall first be accounted for as revenue to the land use change tax fund before being transferred to the conservation fund at the time of collection.
II. After any transfer to the conservation fund required under the provisions of RSA 79-A:25, II, the surplus remaining in the land use change tax fund shall not be deemed part of the general fund nor shall any surplus be expended for any purpose or transferred to any appropriation until such time as the legislative body shall have had the opportunity at an annual meeting to appropriate a specific amount from said fund for any purpose not prohibited by the laws or by the constitution of this state. At the end of an annual meeting, any unappropriated balance of land use change tax revenue received during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year.
Source. 1991, 156:1. 1992, 122:1, eff. June 30, 1992.

TITLE 2 Transportation CHAPTER 231A Municipal Trails

§ 231-A:2 Reclassification of Highways; Damages. – I. Any class V or VI highway may be reclassified as a class A or class B trail, and any class A trail may be reclassified as a class B trail, by vote of the local legislative body.
II. In accordance with RSA 231:43, no highway of any class which provides the sole access to any land shall be reclassified as a class B trail without the written consent of the owner of that land.
III. Whenever a reclassification is made under this section, any aggrieved landowner may appeal, or may petition for the assessment of damages, in the same manner as in the discontinuance of

highways pursuant to RSA 231:48 and 231:49, and the amount of damages, if any, shall reflect the landowner use provisions set forth in RSA 231-A:1. **Source. 1993, 60:2, eff. Jan. 1, 1994.**

TITLE 20 Transportation CHAPTER 231A Municipal Trails

§ 231-A:4 Public Trail Use Restrictions. – In this chapter "public trail use restrictions" means any restrictions upon use of a trail by the general public. Such restrictions may be imposed by a landowner as a condition of grant or dedication of a trail acquired under RSA 231-A:5, or by vote of the local legislative body or its designee at or subsequent to the time the trail is established, or by the local governing body under RSA 41:11. Such restrictions may include, but are not limited to, prohibition of motor vehicles, prohibition of wheeled vehicles, prohibition of off highway recreational vehicles, or restriction to specified modes of travel such as horse, bicycle, or foot. Such restrictions, if posted using legible signs at entrances to the trail from public highways, or at any property boundaries where new or different restrictions become applicable, shall be enforceable in the same manner as traffic violations as set forth in RSA 265. Any person violating such restrictions shall be guilty of a violation.
Source. 1993, 60:2, eff. Jan. 1, 1994.

TITLE 20 Transportation CHAPTER 231A Municipal Trails

§ 231-A:5 Acquisition of New Trails. – I. Municipalities shall not use the power of eminent domain to establish trails.
II. A class A or B trail may be established by the local legislative body or its designee over any land previously acquired by the municipality, including land acquired by the conservation commission pursuant to RSA 36-A:4, or Town forests established pursuant to RSA 31:110, unless the establishment of such trail would violate any right or interest reserved or retained by a prior grantor or held by a third party.
III. The local legislative body or its designee may acquire, by dedication and acceptance or by gift, purchase, grant or devise:
(a) Any class A or B trail, subject to such public trail use restrictions as may be imposed by deed by the owner or grantor; or
(b) Any lesser interest in land for trail purposes, including but not limited to a revocable easement, revocable license, lease or easement of finite duration, or conservation restriction, subject to such public trail use restrictions and such reserved rights as may be imposed by or agreed upon with the owner or grantor.
IV. A properly established conservation commission may utilize RSA 36-A:4 for the acquisition of trails.
Source. 1993, 60:2, eff. Jan. 1, 1994.

TITLE 20 Transportation CHAPTER 231A Municipal Trails

§ 231-A:8 Liability Limited. – I. All trails established under this chapter shall be deemed to constitute land open without charge for recreational or outdoor educational purposes pursuant to RSA 212:34 and RSA 508:14, I, and the liability of owners, lessees or occupants of land affected by a trail, and of the municipality establishing the trail, shall be limited as set forth in those statutes.
II. The liability of any person performing volunteer management or maintenance activities for or upon any trail established under this chapter, with the prior written approval of the body or organization with supervision over trail management pursuant to RSA 231-A:7, shall be limited as

set forth in RSA 508:17, and such management shall not be deemed "care of the organization's premises" under RSA 508:17, IV.
Source. 1993, 60:2, eff. Jan. 1, 1994.

TITLE 52 Actions, Process, And Service Of Process CHAPTER 508 Limitation of Actions

§ 508:14 Landowner Liability Limited. – I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.
II. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.
Source. 1975, 231:1. 1979, 439:1. 1981, 293:2. 1985, 193:2, eff. July 30, 1985.

TITLE 64 Planning And Zoning CHAPTER 674 Local Land Use Planning And Regulatory Powers Master Plan

§ 674:2 Master Plan Purpose and Description
VIII. A conservation and preservation section which may provide for the preservation, conservation, and use of natural and man-made resources. The conservation and preservation section of the master plan should include a local water resources management and protection plan as specified in RSA 4-C:22. This plan should be reviewed and revised as necessary at intervals not to exceed 5 years.
Source. 1983, 447:1. 1986, 167:2. 1988, 270:1. 1989, 339:28, eff. Jan. 1, 1990; 363:15, eff. Aug. 4, 1989.

APPENDIX H
TRANSFER OF DEVELOPMENT RIGHTS: TDR

Transfer of development rights (TDR) is a market based technique with little governmental intervention that encourages the voluntary transfer of growth from places where a community would like to see *less* development (called sending areas) to places where a community would like to see *more* development (called receiving areas). The sending areas can be environmentally-sensitive properties, open space, agricultural land, wildlife habitat, historic landmarks or any other places that are important to a community. The receiving areas should be places that the general public has agreed are appropriate for extra development because they are close to jobs, shopping, schools, transportation and other urban services.

TDR is driven by the profit motive. Sending site owners permanently deed-restrict their properties because the TDR program makes it more profitable for them to sell their unused development rights than develop their land. Developers buy the development rights and use them to increase the density of receiving site projects. They do that because these larger projects are more profitable than the smaller projects allowed when development rights are not transferred. In addition to making property owners and developers happy, TDR solves a seemingly intractable dilemma for communities: it gives them a way to achieve critical land use goals *using little or no public funding.*

The author provided case studies of 112 TDR programs in the 436-page book *Saved* By *Development*: *Preserving Environmental Areas, Farmland and Historic Landmarks With Transfer Of Development Rights*. Since that book was published in November 1997, 12 additional TDR programs have been identified. None of the 12 TDR programs are as successful as those of Montgomery County, Maryland, The New Jersey Pinelands, the Tahoe Regional Planning Agency or many of the other 107 communities discussed in *Saved* By *Development*. Neither of the first two communities listed below have had a transaction for TDR. Nevertheless, all 12 case studies reconfirm the components needed to create a successful TDR program.

Lee, New Hampshire has a TDR ordinance to preserve farmland, open space, forests, watershed and other significant natural resources as well as the Town's rural character. The sending sites and receiving sites must be contiguous. The amount of density that can be transferred from a sending site is equal to the development rights allowed to that site under baseline zoning, a one-to-one transfer ratio. The amount of development allowed on the receiving site through TDR is the total density permitted on both the sending and receiving sites under the baseline zoning. The Planning Board has the right to decide transfer applications on a case-by-case basis taking into consideration the specific natural characteristics and resource values of the two sites.

Dover, New Hampshire includes in its zoning ordinance the ability to transfer development rights within overlay districts. The purpose of TDR in Dover is to allow receiving areas to be certain business and industrial zones since the amount of land within these areas is limited. Sending areas include all wetlands and wetland buffers. At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined TDR district may apply the performance standards specified in the zoning ordinance in return for the acquisition of land or development rights from the sending area within the same TDR district.

Townsend Township, MA, population 1,200, borders New Hampshire, 40 miles northwest of Boston. Its TDR program, adopted in 1991, is designed to preserve the banks of the Squannacook River, an aquifer recharge area and open space in general. Transferable development credits are assigned to the sending sites at the rate of 1.2 credits for each build able lot, or a transfer rate of 1.2 to 1. Receiving site projects incorporating TDCs must be approved in conjunction with a subdivision plan and a rezoning to a zoning district that allows exemptions from density, minimum lot frontage and minimum lot area as long as a substantial portion of the site is preserved as open space.

Windsor, Connecticut, population 28,000, was one of the 107 communities studied in *Saved By Development.* The Town has experienced its first transfer, a 4.5-acre parcel of land along the Connecticut River which the Town will use for a future riverfront walking trail and other recreation. In return for this transfer, the owners of an existing industry were allowed to exceed the density limits normally allowed on this receiving site.

Montgomery County, Maryland has the most successful TDR program in the country. In 1997, *Saved* By *Development* stated that the County had permanently preserved 29,000 acres of farmland using TDR. The County has now preserved over 38,000 acres.

TDR has been used across the country for many years, but is still not in widespread use in New Hampshire. As communities gain additional experience with this open space zoning tool, it may become an important way to preserve open space in this state.